

for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HEATWOLE: Petition of citizens of Faribault, Minn., requesting the removal of the tariff duties on wood, lumber, and coal—to the Committee on Ways and Means.

By Mr. JOHNSON: Petitions of H. E. Heinitsh, jr., and others, of Spartansburg; F. C. Duke and others, of Union, S. C., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of John C. Cary, in favor of House bill 15368, amending the customs-drawback law—to the Committee on Ways and Means.

By Mr. JOY: Petition of Adolph Henning, M. D., of St. Louis, Mo., asking for an increase of pension—to the Committee on Invalid Pensions.

By Mr. LACEY: Protest of members of the Monroe County bar, Iowa, against the passage of House bill 16311—to the Committee on the Judiciary.

By Mr. LEWIS of Georgia: Petitions of Hawkinsville Drug Company, of Hawkinsville; R. L. Austin, of Preston, and other druggists, of Finleyson and Abbeyville, Ga., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of the Savannah Ga., Board of Trade, favoring the bill providing for an additional Cabinet officer, to be known as the secretary of commerce and agriculture—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: Petition of Frances Willard Union, of Camden, N. J., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. MADDIX: Petition of heir of Levi Crow, deceased, late of Paulding County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heir of William H. Simpson, deceased, late of Polk County, Ga., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. MERCEER: Papers to accompany bills relating to the correction of the military record of Horace Olmsted—to the Committee on Military Affairs.

Also, papers to accompany House bill 16167, granting a pension to Andrew J. Manley—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16626, granting an increase of pension to Solomon Knight—to the Committee on Invalid Pensions.

By Mr. MINOR: Petition of druggists and citizens of Kewaunee and Oconto, Wis., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. NAPHEN: Resolutions of the Chamber of Commerce of Boston, Mass., in favor of a tariff commission—to the Committee on Ways and Means.

By Mr. OTJEN: Resolutions of Milwaukee Lodge, No. 283, Order of B'rith Abraham, favoring a modification of the methods and practice of immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. RICHARDSON of Tennessee: Petition of citizens of Shelbyville, Tenn., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ROBB: Petition of Eric Pape Post, No. 184, Grand Army of the Republic, Department of Missouri, for the relief of John R. Cochran's Company C, Missouri Volunteer Enrolled Militia—to the Committee on the Militia.

By Mr. RUPPERT: Resolutions of the Manufacturers' Association of New York, opposing the compulsory adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of E. J. Maring and other druggists of New York City, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of the National Association of Retail Grocers, against the passage of House bills 3109 and 15614, known as the pure-food bills—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Louis P. A. Eberhardt and 80 others, all citizens of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Indiana Grain Dealers' Association, favoring the passage of the Elkins bill, to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Paint Grinders' Association of the United States, urging legislation to empower the Interstate Commerce Commission to establish uniform freight classification and freights—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Engineers' Society of Western New York, against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SAMUEL W. SMITH: Petitions of retail druggists of Fowlerville, Lansing, and Davison, Mich., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of J. A. Bissinger and others, of Lansing, Mich., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of citizens of Estacado, Wichita Falls, Benjamin, and Proffit, Tex., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. TRIMBLE: Papers to accompany House bill granting an increase of pension to Mary A. F. Gilmore—to the Committee on Invalid Pensions.

Also, papers to accompany bill for a pension to Caroline Hurley—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of the Young Woman's Christian Temperance Union of Penns Park, Bucks County, Pa., for an amendment to the Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. WILLIAMS of Illinois: Petition of citizens of Norris City, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WILLIAMS of Mississippi: Paper relating to the claim of F. P. Brower for mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. WOOTEN: Petition of S. S. Tullis, Grand Prairie, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

## SENATE.

WEDNESDAY, January 14, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington. The Journal of yesterday's proceedings was read and approved.

### SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission transmitting, in response to a resolution of May 10, 1902, a statement showing the condition and defects of safety appliances and the practice of operating trains by train or power brakes, etc.; which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.

### AMENDMENT OF PRINTING ACT.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives requesting a conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill (S. 2296) to amend the act approved March 2, 1895, relative to public printing.

Mr. PLATT of New York. I move that the Senate insist upon its amendment to the amendment of the House and agree to the conference asked by the House on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PLATT of New York, Mr. ELKINS, and Mr. JONES of Arkansas were appointed.

### DEEDS, ETC., IN INDIAN TERRITORY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5678) providing for record of deeds and other conveyances and instruments of writing in the Indian Territory, and for other purposes.

Mr. JONES of Arkansas. I move that the bill with the amendment be referred to the Committee on Indian Affairs.

The motion was agreed to.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow;

A bill (H. R. 14416) granting an increase of pension to Albert H. Phillips;

A bill (H. R. 14477) granting a pension to John Bruff;

A bill (H. R. 14478) granting an increase of pension to Luman Fuller;

A bill (H. R. 14957) granting an increase of pension to Mathias Custers; and

A bill (H. R. 15006) to amend an act entitled "An act to amend

the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The message also announced that the House had passed a bill (H. R. 16642) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, in which it requested the concurrence of the Senate.

#### URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the urgent deficiency appropriation bill may be sent to the Committee on Appropriations at once.

The bill (H. R. 16642) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, was read twice by its title, and referred to the Committee on Appropriations.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. A resolution of the National Live Stock Association has been sent to the Presiding Officer with the request that it be read. Is there objection? The Chair hears none, and the Secretary will read it.

The resolution was read, and referred to the Committee on Agriculture and Forestry, as follows:

KANSAS CITY, MO., January 13, 1903.

Hon. WILLIAM FRYE,

President of the Senate, Washington, D. C.:

The National Live Stock Association, representing five billions invested capital, in annual session, to-day unanimously adopted the following:

"Your petitioners, the National Live Stock Association of the United States, representing the breeders, feeders, and handlers of live stock in the United States, desire through you to call the attention of the Senate to H. R. 15922, a bill which provides the Secretary of Agriculture with authority to prevent the spread of contagious diseases in the United States, and to establish rules and regulations for the inspection of live stock to be transported through the United States, and your petitioners would respectfully represent that there is an immediate and imperative necessity for the passage of this law. We would, therefore, urge the Senate to consider this bill at as early a date as possible, and we respectfully ask that said bill be enacted into law."

JOHN W. SPRINGER, President.  
CHARLES F. MARTIN, Secretary.

Mr. DEPEW presented petitions of Cigar Makers' Local Union No. 251, of New York; of the Central Labor Council of Jamestown; of Local Union No. 492, of Glens Falls; of Typographical Union No. 62, of Utica; of Cigar Maker's Local Union No. 5, of Rochester; of Bricklayers, Masons, and Plasterers' Local Union No. 78, of Port Jervis; of the Whitestone Association, of New York; of Carpenters and Joiners' Local Union No. 289, of Lockport; of Local Union No. 705, of Syracuse; of Bricklayers, Masons, and Plasterers' Local Union No. 54, of Oswego; of Carpenters and Joiners' Local Union No. 600, of Saranac Lake; of the Longshoremen's District Council, of Buffalo; of Local Union No. 124, of Buffalo, and of Stove Plate Molders' Local Union No. 13, of Buffalo, all of the American Federation of Labor; of Eccentric Firemen's Local Union No. 56, Brotherhood of Stationary Firemen, of New York, all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of Grange Sard, of New York, N. Y., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of the West Side Woman's Christian Temperance Union, of Buffalo, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented memorials of the Manufacturers' Association of Jamestown; of the Graff Furnace Company, of New York, and of the Firth Carpet Company, of Firthcliffe, all in the State of New York, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Federal Labor Union No. 9355, of Glens Falls; of Iron Molders' Local Union No. 109, of Geneva; of Cigar Makers' Local Union No. 81, of Peekskill; of Typographical Union No. 268, of Gloversville; of the International Wood Carvers' Association, of Rochester; of Painters, Paperhangers, and Decorators' Local Union No. 357, of Dunkirk; of Local Union No. 498, of Jamestown; of Carpenters and Joiners' Local Union No. 747, of Oswego; of Cigar Makers' Local Union No. 132, of Brooklyn; of the Glass Bottle Blowers' Association, of Olean; of Federal Labor Union No. 10076, of Ilion; of Local Union No. 18, of Schenectady, all of the American Federation of Labor; of Newburg Lodge, Brotherhood of Railroad Trainmen, of Newburg; of Division No. 105, Brotherhood of Locomotive Engineers, of New York, and of Thomas J. Hurley, of Brooklyn, all in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BURROWS presented petitions of sundry citizens of Petoskey, Marquette, and Richland, all in the State of Michigan, praying for the passage of the so-called immigration bill; which were ordered to lie on the table.

He also presented petitions of Local Union No. 579, Brotherhood of Painters, Decorators, and Paperhangers, of Manistee; of Local

Union No. 133, Brotherhood of Electrical Workers, of Detroit; of Local Union No. 1608, United Mine Workers, of St. Charles; of Local Union No. 1, Metal Polishers, Buffers, and Platers, of Detroit; of Local Union No. 226, United Brotherhood of Carpenters and Joiners, of Traverse City; of the Trades and Labor Council of Kalamazoo; of Local Union No. 226, United Brotherhood of Carpenters and Joiners, of Traverse City; of Local Union No. 7, Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers, of Grand Rapids; of Federal Labor Union No. 8250, of Port Huron; of Cigar Makers' Local Union No. 340, of Traverse City; of Wolverine Division, No. 182, Order of Railway Conductors, of Jackson; of Bricklayers' International Union No. 17, of Kalamazoo, and of Grand Rapids Lodge, No. 491, International Association of Machinists, of Grand Rapids, all in the State of Michigan, and of J. J. Edwards, of Washington, D. C., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the State Bar Association of the State of Washington, praying for the enactment of legislation to abolish the circuit courts, to define and increase the jurisdiction of and to simplify appeals from the district courts of the United States, and for other purposes; which was referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union No. 388, of Walla Walla, Washington, praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. KEAN presented a memorial of the Essex Trades Council, American Federation of Labor, of Newark, N. J., remonstrating against the enactment of legislation providing for the issuance of revenue stamps on eighth beer kegs; which was referred to the Committee on Finance.

He also presented a petition of Carpenters and Joiners' Local Union No. 20, American Federation of Labor, of Camden, N. J., praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

He also presented petitions of Local Union No. 315, of Elizabeth; of Carpenters and Joiners' Local No. 325, of Paterson, all of the American Federation of Labor; of Division No. 53, Brotherhood of Locomotive Engineers, of Jersey City, and of Division No. 133, International Brotherhood of Stationary Firemen, of Bayonne, all of the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of the American Gas Furnace Company, of Elizabeth; of the Philadelphia Watch Case Company, of Riverside; of the New York Standard Watch Company, of Jersey City; and of the Riverside Metal Company, of Riverside, all in the State of New Jersey, praying for the establishment of a department of commerce; which were ordered to lie on the table.

He also presented the petition of T. E. Vassar, of Elizabeth, N. J., praying for the enactment of legislation recognizing and promoting the efficiency of Army chaplains; which was referred to the Committee on Military Affairs.

He also presented a memorial of the congregations of the Beulah and Knox Presbyterian churches, of Kearny, N. J., and the Davis Memorial Methodist Episcopal and the First Baptist churches, of Harrison, N. J., remonstrating against the enactment of legislation to abolish the anticanteen law; which was referred to the Committee on Military Affairs.

He also presented the petition of J. E. Rhoads & Sons, of Philadelphia, Pa., praying for the adoption of an amendment to the bill to promote the efficiency of the militia so as to provide for an exemption clause based on conscientious scruples; which was ordered to lie on the table.

Mr. KITREDGE presented a petition of Perry Miners' Union, No. 116, Western Federation of Miners, of Roubaix, S. Dak., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

Mr. CLARK of Montana presented petitions of the Trades and Labor Council of Butte; of Local Union No. 2, of Kalispell; of Central Labor Council No. 492, of Anaconda, and of the Anaconda Mill and Smeltersmen's Local Union, No. 117, of Anaconda, all of the American Federation of Labor, in the State of Montana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

#### STATEHOOD BILL.

Mr. QUAY. I present sundry telegrams on behalf of the statehood bill, to be printed in the RECORD without reading.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the telegrams were ordered to lie on the table, and to be printed in the RECORD, as follows:

[Telegram.]

SPRINGER, N. MEX., January 13, 1903.

Hon. M. S. QUAY, Washington, D. C.:

The whole community here is unanimous for statehood, and we all condemn the subcommittee report for their malicious intention.

J. T. FRESQUEZ.



[Telegram.]

SPRINGER, N. MEX., January 13, 1903.

Senator M. S. QUAY, Washington, D. C.:

There are thousands of old soldiers in New Mexico that served through a long and bloody war to preserve the Union who would like to answer the last roll call a full citizen of a State.

H. B. STEWART,

Thirty-fourth Indiana Volunteers.

[Telegram.]

TUCSON, ARIZ., January 12.

Hon. M. S. QUAY,

United States Senate, Washington, D. C.:

Every taxpayer and every interest in Arizona feels necessity for statehood.

JOHN B. WRIGHT,  
City Attorney, Tucson.

[Telegram.]

PHOENIX, ARIZ., January 13.

Senator M. S. QUAY, Washington, D. C.:

We petition Senate to pass omnibus bill unamended. Arizona is entitled to statehood and people are anxious for it. Committee's report is grossly unjust to us. We urge you to stand firm.

M. H. MCCORD, Former Governor.

## REPORT OF A COMMITTEE.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 37) for the relief of Jacob Swofford, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

## BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6941) granting a pension to James Monty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 6942) granting an increase of pension to George Aplin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 6943) to authorize the issuance of patents to settlers upon and occupants of certain lands in the State of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McCUMBER introduced a bill (S. 6944) to prohibit the sale of intoxicating liquors in the Territory of Alaska, and for other purposes; which was read twice by its title.

Mr. McCUMBER. I present a comparison of high license and prohibition in Alaska in support of the bill just introduced by me. I move that the comparison be printed as a document, and that it be referred with the bill to the Committee on Territories.

The motion was agreed to.

Mr. McLAURIN of Mississippi introduced a bill (S. 6945) granting a pension to C. R. Beardslee, alias Charles P. Barclay; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 6946) granting a pension to H. F. Harrington; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 6947) to establish a permanent military camp ground in the vicinity of Camp Douglass, in Juneau County, Wis.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 6948) to correct the military record of Samuel D. Myers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6949) granting an increase of pension to Mary L. Jacks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 6950) to amend an act entitled "An act to authorize the construction of bridges across the Ohio River, and to prescribe the dimensions of the same," approved December 17, 1872; and an act supplementary thereto, approved February 14, 1883; which was read twice by its title, and referred to the Committee on Commerce.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. ALGER submitted an amendment proposing to appropriate \$128,400 for the construction of barrack accommodations for four companies of infantry at Fort Brady, Mich., to replace those destroyed by fire, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLAPP submitted an amendment relating to the distribution of sets of Federal Cases to the circuit and district courts of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

He also submitted an amendment relating to the distribution of sets of the Federal Reporter among the officers of the United States Government, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate \$25,000 to enable the people of the Indian Territory to provide an exhibit of the products and resources of that Territory at the Louisiana Purchase Exposition, in St. Louis, Mo., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$40,000 to enable the people of Alaska to provide and maintain an exhibit of the products and resources of that Territory at the Louisiana Purchase Exposition, in the city of St. Louis, Mo., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

He also submitted an amendment relating to the claims of officers of the United States Army for arrearages of longevity pay, intended to be proposed by him to the military appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

## REPORT OF COMMISSIONER OF NAVIGATION.

On motion of Mr. FRYE, it was

Ordered, That there be printed 600 additional copies of the Report of the Commissioner of Navigation for 1902 for the use of the Bureau of Navigation.

## CHAPLAINS IN THE NAVY.

On motion of Mr. HALE, it was

Ordered, That Senate Document No. 10, Fifty-seventh Congress, second session, be reprinted, and 800 additional copies be printed for the use of the Committee on Naval Affairs.

## REGULATION OF TRUSTS OR CORPORATIONS.

On motion of Mr. HOAR, it was

Ordered, That 1,000 additional copies of the bill (S. 6959) for the regulation of trusts or corporations engaged in international or interstate commerce be printed for the use of the Senate.

## INJUNCTIONS IN CONSPIRACY CASES.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there printed as a document, under the direction of the Secretary of the Senate, the petitions and remonstrances, without the names, for and against the passage of the bills (S. 1118, S. 4553, and H. R. 11090) "to limit the meaning of the word 'conspiracy,' and the use of 'restraining orders and injunctions' in certain cases," and for or against any amendments thereto which have been presented in the Senate during the Fifty-seventh Congress: Provided, That where such petitions or remonstrances are identical in substance with others, only one such petition or remonstrance shall be printed.

## CONDITIONS IN ISLAND OF GUAM.

Mr. HOAR. I offer a resolution for consideration.

The resolution was read, as follows:

Resolved, That the President be requested, so far as shall be, in his judgment, not inconsistent with the interests of the public service, to inform the Senate what government is existing in the island of Guam, and through what executive department the powers of such government are now in fact executed and administered;

What, according to his present information, is the number of inhabitants in said island;

Whether there be any persons imprisoned or detained in said island against their will by the authority of the United States;

If so, under what law such persons are detained, and by whose order such persons are detained;

And especially whether any person not an inhabitant of said island of Guam be detained there by the power of the United States against his will; if so, for what offense, and whether there has been any trial or conviction of such offense, or any charge made against such person, and whether the nature or character of such charge has been communicated to such person;

And whether any person is so therein detained for any alleged political offense, or any refusal to take an oath of allegiance to the United States;

And especially whether an inhabitant of the Philippine Islands named Mabini has been detained and be now therein detained, and, if so, under what circumstances, for what alleged offense, and whether such person has been tried for the same;

And, further, whether said Mabini was, according to the President's information, an inhabitant of the Philippine Islands and a Spanish subject on the 11th day of April, 1899, and then a resident in said islands; and whether he be included within the provisions of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of the civil government of the Philippine Islands, and for other purposes," being chapter 1369 of the Statutes of 1902; and

Whether as such he is now deprived of liberty without due process of law; whether he has enjoyed the right to be heard by himself and counsel to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf; whether he has been held to answer for any criminal offense without due process of law, and whether he be denied the right of bail as provided in said act.

Also, whether any oath of allegiance be now required of any such inhabitant of the Philippine Islands to be taken beyond the limits of said islands as a condition of being released from imprisonment, or of being permitted to return thereto; and, if so, by what authority said oath of allegiance is required.

Mr. HOAR. The resolution is in substance one inquiring what government now exists in the island of Guam, by what executive department that government is now administered, and especially by what authority and upon what charge Mabini is there detained and imprisoned. That is the whole substance of the resolution. As it is a long resolution, and therefore some Senator may desire to see it, I ask that it may go over until to-morrow.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. HOAR. I do not think there will be objection from any quarter to it.

HIRAM C. WALKER.

Mr. CULLOM. I ask leave, on account of the fact that I am out of the Chamber most of the time now in committee, to call up the bill (H. R. 6326) for the relief of Hiram C. Walker. It is a little bill correcting the record of an old soldier whom I have known for many years, and who is a very good citizen and is very poor. I should like to have the bill passed so that he may be able to get the relief he is entitled to receive.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remove the charge of absence without leave from the name of Hiram C. Walker, late first lieutenant of Company C, Tenth Regiment Illinois Cavalry, and to issue to him an honorable discharge to date from June 18, A. D. 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on this day approved and signed the act (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfolt gun.

#### ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted on the 5th instant by Mr. VEST, as follows:

*Resolved*, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. TILLMAN. Mr. President, this resolution has been discussed two or three days in the morning hour, and the mere mention of any change in our present tariff schedules has caused the Senator who is recognized as the leader of his party on protection in this Chamber to become more strenuous and to exhibit more animation and feeling and eloquence than I thought that Senator capable of. In my long and pleasant service with him here (and I do not use that word in any perfunctory sense, because I have great regard for the Senator from Rhode Island) I have never seen him exhibit the same degree of earnestness or rise to such flights of eloquence as he has evinced in the discussion of this little, simple, innocent resolution.

I shall discuss the situation with which this resolution deals, not from the standpoint of a free trader, not from the standpoint of a Democrat, other than that I could not occupy any other point of view, but I shall endeavor to put aside partisanship, to sink and to put behind me any feelings of party advantage which might arise from a clearer and better understanding of the situation by the American people.

If the suffering caused by the inability of the people to get one of the main necessities of life, coal, would only enter the homes and hovels of Democrats, and if the blizzard with its icy teeth would only bite the shivering limbs of Democrats, I could understand the callousness and the coldbloodedness of the Senators on the other side in putting above all considerations of humanity and patriotism the maintenance of the sacredness of the Dingley tariff law. But, fortunately or unfortunately, the American people must share alike in the good and ill fortune which comes to them from their own blunders and mistakes and from the failure of their representatives to do what is right and proper here. We can not divorce in our common every-day life the results and effects of legislation so as to let the bad fall on those who are opposed to good, and the good go to those only who are in favor of it. We who are innocent of any complicity in the criminal folly can not "sprinkle our doorposts" or mark them so the angel of death may pass by and not enter, but we must suffer with those who are alone responsible.

The situation is one unparalleled in the history of this country. We read every day of this and that person having been frozen to death. But while the mortality owing to the coal famine is very small, relatively speaking, the consequence is in planting the seeds of disease—of pneumonia, consumption, and other ailments—which will leave a long death roll behind them. This view is the one which should press itself upon us and force us, if need be, to take whatever action is necessary to begin reform, to commence some practical programme of relief to the people.

The tariff on coal cuts very little figure. The 67 cents a ton which is paid by foreign coal coming into our country is of little moment, outside of the New England cities and those regions of our country which are near to Canada. The stock of coal avail-

able for import is so small because there has been no foresight or expectancy that there would be a market in the United States for the importation of coal. We are exporters of coal, and in normal conditions there could be absolutely no benefit to the American people from this resolution if it became a law. The coal producers of bituminous and anthracite can supply the home market in competition with the world, and except in a very few localities where, by reason of nearness to Canadian mines, there might be a small amount of coal imported the general situation remains that the tariff is not of much moment one way or the other.

I understand from the papers, and the Senator from Rhode Island has informed us, that efforts of relief would be made elsewhere than in this Chamber; that it was the desire and purpose of his party in the House—where they have the majority—to originate legislation which would give this relief. While I shall not enter upon the discussion as to whether it amounts to much where the measure for relief originates, I will only say in passing that if the House shall send us a measure looking to the removal of the duty on coal or its suspension for a year, so far as I know nobody on this side will hesitate to pass it, though we all know that this Congress has been in session over a month and nothing has been done with the recommendation of the President. If any credit is due anywhere for its passage it will be due to the venerable and brilliant Senator from Missouri, whose resolution has precipitated this debate and called attention to this particular phase of the coal famine. His eloquence and his presentation of the condition have put the spur to the lagging horses in the other end of the Capitol and to those at this end who have been cold-bloodedly contemplating the condition; and if any movement is made it will be by reason of the resolution of the Senator from Missouri.

If we had no duty on coal, it is probable that there might be some larger importations and preparation made by the coal miners abroad and in Canada to enter into competition, because it is well understood that the fact that there is a tariff and that the American producers can compete and drive the foreigner out of the market has hitherto made foreigners unwilling to make any efforts in that direction.

Mr. President, I shall not enter upon any further discussion or portrayal of the wrong done our people and of the robbery that is now being perpetrated upon them. The newspapers are filled every day with these harrowing stories of suffering and misery and death. The wonder is that other communities have not followed the lead of that little town in Illinois—Arcola, I believe—where the coal held by a monopolist was seized by the citizens and distributed without regard to party among those who were suffering because of the lack of fuel. The wonder is that in this trying time of distress and death other mobs elsewhere are not taking steps to teach a lesson to the recreant Congressmen and Senators here, as well as to show the monopolists that in the last resort men will neither starve nor freeze to death, but will throttle the law and take it into their own hands.

This danger which now confronts us, which is upon us, which has enveloped us, has been foreseen, and warnings have been uttered, warnings authoritative in their nature, warnings coming from nonpartisan bodies and the nonpartisan commission appointed by this very Senate and the other House of Congress. We have known that the impending calamity was liable to come at any moment whenever the monopoly which has been gradually reaching out and inclosing in its grasp the anthracite coal fields should complete its work. Recommendations have been made, efforts to have the law officers of the United States Government go into the courts and to prevent this consolidation and the completion of the monopoly. Everything has been done except to attract the attention of the masses to the fact that they were being betrayed here by their servants and that this body, charged directly with taking care of the public and the interests of the people, was derelict; that it was in collusion with those who are seeking to monopolize the necessities of life and to levy improper and wrongful toll upon the very staff of life and everything else.

It is said by those charged with the administration of the Government that we need more legislation; that we have not now any remedy for the evils which confront us; that the people are helpless; that Congress must do more; that the officers of the law are powerless, and their efforts will be futile to render relief. I am reminded here of an old and hackneyed couplet which all of us have heard so often and so long that most of us fail to give it its full import. I think it is from Pope, but it does not matter who wrote it; it is as true now as it ever was:

For forms of government let fools contest;  
Whate'er is best administer'd is best.

We may load down our statutes with law after law and pass all the flood of bills that are coming in now from both ends of the Capitol, and unless the sworn officers of the law shall discharge their duties fearlessly and honestly, every effort to protect



the people will fail, as the efforts which have been made in the past have failed, because of the dereliction of duty on the part of those charged with executing the law.

I am loath, being a mere layman, having never been in court except as a juror, to undertake to discuss legal questions in this presence. I know that I am but a stripling, so to speak, in the presence of a dozen Goliaths each one of whom in his panoply of mail would trip me up on legal questions.

But, relying on my common sense and my ability to interpret words, I shall endeavor to show that we have on the statute books law enough to have prevented this disaster, and law enough to deal with it now.

On July 2, 1890, Congress passed what is known as the Sherman antitrust law, and I propose in my feeble and humble way to analyze two or three sections of that act. Then I propose to refer to the opinions of judges of our Supreme Court and others of our leading judges in regard to certain provisions of this act. Then I shall rehearse some of the things which have been done under this act. Section 1 of that act reads:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

Then comes the punitive clause providing the punishment of fine and imprisonment upon every person who shall make any such contract or engage in any such combination or conspiracy, and so on.

Section 2 is far more drastic, far more sweeping, and covers almost everything. It provides:

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Note the far-reaching effect of this statute interpreted by an honest judge, who wanted to protect the people:

Every person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part—

Not the whole, but "any part"—

of the trade or commerce among the several States, etc.

I shall produce evidence before I get through going to prove the existence of a monopoly which, if not complete, has so far covered the anthracite coal production as to reach the enormous percentage of above 95. Efforts have been made, proof has been filed, pleadings have been had, petitions presented to the Attorney-General, warning him and begging him to take steps to protect the people against the impending danger which has fallen upon them. But he has sat quietly in his office and done nothing.

There is still another provision of this law which is very, very drastic. Section 6 reads:

SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

Here we not only have provision made in the plainest language possible and interpreted by the courts in a way which would give the judges jurisdiction and authority by injunction to stop it, but also provision to confiscate all property of that character on the cars, loaded for interstate commerce; and yet the poor people today are shivering in their homes, and even the wealthy are shivering in their dwellings, because of the fact that the monopoly does exist; and it exists by reason of the fact that the law officers have failed to interpret the law in the interest of the people.

So we have the spectacle presented of a monopoly in broad daylight levying tribute to the amount of hundreds of millions of dollars upon the starving poor and upon the common, every day masses, and the cry is, "We can not do anything; we are unable under existing statutes to protect the people, and therefore we must have Congress give us more power; we must have another commission to deal with this trust question." We have a commission now somewhere dawdling along, pretending to investigate the situation, and taking an enormous mass of irrelevant and unnecessary testimony, when, if they wanted to go to the root of the coal question, they could find out about this combination and monopoly and report back here to us if such a monopoly exists, how it came about, and suggest a remedy, or leave it to us to either throttle it or continue to do nothing ourselves.

Now it is proposed to have another commission created—commissions and commissions—"how not to do it," rather than how to do it; to sift sand in the eyes of the people; to deceive them by specious pleas and the making of sophistical speeches based on air, and to do nothing. But let labor make any move in the direction of any conspiracy or combination whatsoever; let a dozen miners get together and make an agreement among themselves as

to what shall be done about the rates they shall receive for their work, and immediately some attorney of a corporation will hurry to some supple-kneed judge—I do not know whether "supple-kneed" is right; perhaps it should be "supple-brained" or both—and an injunction issues at once prohibiting any and every thing that will interfere with the business of these wealthy capitalists who own the property that is in risk.

Hundreds of injunctions have been issued from the courts under their equity jurisdiction; they have been as thick as "leaves in Vallombrosa;" but when an attempt is made to get an injunction against the coal trust the Attorney-General becomes blind; he can not see and he will not hear.

Mr. DIETRICH. Mr. President—

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. TILLMAN. With pleasure.

Mr. DIETRICH. I should like to ask the Senator from South Carolina if he were Attorney-General what would he do to relieve the situation?

Mr. TILLMAN. If I had been the Attorney-General in October last, when this condition of facts or the impending condition was called to his attention, and probable evidence, almost unanswerable evidence, furnished to show that this thing was coming, I should have gone to some judge somewhere, if I could have found one honest enough—and I think there are plenty of them; I hope so, at least—who would have granted an injunction dissolving this combination, and then, if they had not obeyed my order, if I were a judge, I should have done as Judge Woods did.

Mr. DIETRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield?

Mr. TILLMAN. Certainly.

Mr. DIETRICH. Supposing you had done that and that the miners had again gone out on a strike and had refused to mine coal, then what would you have done?

Mr. TILLMAN. Oh, I can not answer irrelevant, supposititious questions like that. You could consume the balance of the day in asking questions which have no actual bearing on the situation. Of course we can not make the miners work; but the miners were starving and willing and anxious to work on any fair and decent terms. Any such supposition could not enter the brain of anybody but a lunatic.

Mr. DIETRICH. Would the bringing in of coal free of duty be conducive to the increase of the wages of the miners?

Mr. TILLMAN. You have got off on the tariff now, and I did not expect to discuss that. I have already dismissed that. But I do not believe that bringing in coal free would have had anything to do with the wages of the miners in the United States. When we export coal, and have been exporting it for years, in the name of common sense how can any tariff on it affect the miners' wages here at home? I ask the Senator that question. [A pause.] The Senator does not care to answer, and I will proceed with my argument.

Mr. DIETRICH. Will the Senator please repeat the question?

Mr. TILLMAN. I asked the Senator, in a community or in a State where coal is exported by the hundreds of thousands of tons, because we mine more coal than we can consume at home and have the largest coal fields in the world, how can the tariff on coal protect the miner to the extent of increasing his wages?

Mr. DIETRICH. I will answer the Senator by asking him a question.

Mr. TILLMAN. Oh! I am ready to hear the Senator's question.

Mr. DIETRICH. With coal selling at from ten to twenty dollars a ton, would that prevent coal from being brought here upon which there is a duty of only 67 cents a ton?

Mr. TILLMAN. Of course not. But what has that got to do with the miners' wages? Are the miners getting all or any of the benefit of this ten or twenty dollars a ton now? Are they not, according to the testimony, being paid the very same scale of wages which obtained before the rise in prices was brought about?

Now, to return to the point I was going to discuss when interrupted.

Mr. President, I propose to be entirely fair to the Attorney-General. I would be very glad, indeed, if his utterances and actions would enable me to believe that he is sincere, and that he is really acting according to the best lights before him. We have had printed during the last week the opinion of the Attorney-General and his suggestions to the Judiciary Committee, accompanied by a résumé of the cases which have been tried under the antitrust law, a brief synopsis of decisions and the pending litigation, accompanied also by a speech of the Attorney-General delivered at Pittsburg last October. These set out in detail Mr. Knox's views and opinions. It is to be presumed if that official is

not sufficiently on record and is not ready to stand by the record that he himself has made, then he has been very unfortunate in sending these documents here.

I will first give the Attorney-General's position or his ideas on trusts. He says:

Because they are great and prosperous is no sufficient reason for their destruction. If that greatness and prosperity are not the result of the defiance of the natural rights or recorded will of the people, there is no just cause of complaint.

That there are evils and abuses in trust promotions, purposes, organizations, methods, management, and effects none questions except those who have profited by those evils. That all or any of these abuses are to be found in every large organization called a trust no one would assert who valued his reputation for sane judgment.

The Attorney-General takes the position here, if I interpret his language correctly—and some of his friends will tell me if I interpret it incorrectly or contrary to common sense—that there are good trusts and bad ones, and that the very fact of the existence of a trust does not carry with it the necessity that that trust shall affect the country injuriously. He goes on to give the conspicuous and noxious features in respect to trusts. He says:

Overcapitalization, lack of publicity of operation, discrimination in prices to destroy competition, insufficient personal responsibility of officers and directors for corporate management, tendency to monopoly, and lack of appreciation in their management of their relations to the people, for whose benefit they are permitted to exist.

Here he is again:

The end desired by the overwhelming majority of the people of all sections of the country is that combinations of capital should be regulated and not destroyed, and that measures should be taken to correct the tendency toward monopolization of the industrial business of the country. I assume a thing to be avoided, even by suggestion, is legislation regulating the business interests of the country beyond such as will accomplish this end.

Now, listen here, please; and I am sorry that the Senator from Rhode Island [Mr. ALDRICH] is going away, because I wanted to call his attention to an indirect reference to the tariff.

Mr. ALDRICH. Mr. President, I have not gone away.

Mr. TILLMAN. Oh! I beg the Senator's pardon. I thought he had gone into the cloakroom; I thought I was lacking in interest and that he had got tired. Now, I want the Senator to take this home with him and pray over it. [Laughter.]

In my judgment, a monopoly in any industry would be impossible in this country, where money is abundant and cheap and in the hands or within the reach of keen and capable men, if competition were assured of a fair and open field and protected against unfair, artificial, and discriminating practices.

Of course we have high authority, financial authority, that "the tariff is the mother of trusts;" and it would be very difficult in the school of logic—and this logician whom I am quoting adds only strength to my own ideas and arguments—it would be impossible before any honest jury to present the claim that the tariff does not give the beneficiaries of it in this country a monopoly to the extent that their foreign competitors must pay, first, the cost of production in the foreign country; secondly, the charges of transportation, and thirdly, the tariff duty, before competition is established. When we see, as we have seen, almost everything that we use in our daily life in the way of manufactured products come to be controlled by American manufacturers because of the fact of the destruction of this very competition which the Attorney-General mentions, we are face to face with the inevitable corollary that the tariff has produced that monopoly in the home market. It may be very good; in some respects it has been good.

I am sufficiently an American, with broad enough views, I hope, to take in all my country rather than the little corner of it in which I was born and to believe that it is for the best interests of this country as a whole to manufacture everything it consumes, if it can be done at anything like a reasonable price, in competition with the foreigner; and if it is necessary, a protective duty, or a duty which would at least put the home producer, the home manufacturer, on an equality with his foreign competitor, would be permissible and proper. Such a tariff would be a revenue tariff inevitably. In that position I differ somewhat from some of my colleagues; but my difference one way or the other does not cut any figure. I am in a hopeless minority here. I come from a section which has been time out of mind the pillaged section of this Union. I suppose, having gotten used to being robbed, we will have to continue in that unpleasant condition; but I must go on or I will get off on the tariff, which I promised not to do.

The Attorney-General further says:

Two or more persons or corporations can not by any combination or arrangement between themselves either contract or expand the rights of others to engage in a similar business. The utmost they can do is to discourage the disposition to do so by restricting the opportunities, or by securing to themselves some exclusive facilities or the enjoyment of some common facilities upon exclusive terms.

That is a very meaty paragraph, and brings into view a whole cloud of witnesses and evidence to show that two corporations conspiring together, the one in the production of petroleum and its products and the other in the transportation of petroleum and its products, have brought about a domestic monopoly in this coun-

try, which to-day stands as a monument to the genius of the men who have organized it and as a monument to the rascality, the cowardice, and the venality of the men who could have stopped it and have not, and who could now stop it and will not.

Mr. Knox says:

If the law will guarantee to the small producer protection against piratical methods in competition and keep the highways to the markets open and available to him for the same tolls charged to his powerful competitor, he will manage to live and thrive to an astonishing degree.

Of course he will. But when Mr. Knox himself is charged with the duty of seeing that this is done he sits quietly in his office, or goes up and down the country making speeches, claiming his inability or his helplessness to give relief.

Now, here is a remarkable statement, and I want the legal minds on the other side of the Chamber to please grasp it and help me, if possible, to understand it.

In many cases of departure by a carrier from its published tariffs, the favored shipper has enjoyed his advantage for so long a time that all rivals have disappeared. In such cases, and they are the most numerous—

He goes on to discuss now the very question which I have just mentioned—

the favored shipper has enjoyed his advantage for so long a time that all rivals have disappeared. In such cases, and they are the most numerous—

Now he is speaking of his own knowledge, apparently—

no illegal discrimination exists; consequently the recipient of the unlawful rebates escapes the penalties of the act to regulate commerce.

Of course he does; but when he escapes punishment under the act to regulate commerce, and the Attorney-General is unable, under the interpretation of that act by the Supreme Court, to give relief to the shippers that are discriminated against, he fails to realize that the second section of the Sherman antitrust law reaches its long arm out around these creatures, and that if he would set in motion the enginery of law with which he is armed, and which it is made his duty to enforce by that second section, he would seize upon these very discriminators and punish them.

These very people who give favored rates and rebates have entered into a conspiracy, evidently, and the evidence has been piled up before the Interstate Commerce Committee in its hearings, and in the reports of the Interstate Commerce Commission, to show discrimination—a discrimination regardless of the wanton breaking of the law, which in some of these cases has become so common that one of the great railroad presidents said that if all the violators of certain sections of the interstate-commerce law were put in prison there would not be jails enough to hold them.

I will quote from Mr. Knox again. He says:

In such cases, and they are the most numerous, no illegal discrimination exists.

Because a monopoly has been fostered to the point where it has absolute control of the commerce in a given article so far as railroads are concerned, and by means of this discrimination there are no competitors, he claims that there is no violation of law, notwithstanding that the monopoly was created by violation of the law and stands to-day as a monument of the worthlessness of a statute which is not enforced by an honest official.

Now comes Mr. Knox again on the antitrust law. He has been discussing the interstate-commerce law. He says:

In other words, the antitrust law applies to every agreement in restraint of interstate trade, whether made by corporations or individuals.

In the next place the court held that any agreement or combination which directly restrains not only the manufacture but the sale of a commodity among the several States comes within the antitrust law.

He acknowledges that there are conditions where the antitrust law applies, but when its application to the condition of facts which now exists is brought before him he fails to carry out his own conception of the powers that are vested in him, and comes to Congress, through the Judiciary Committee and through the recommendations of the President, asking for an enlargement of power, for the assistance of a commission to aid him, for more statutes to rust on the statute books, because unless the Attorney-General wants to do something you can never put enough law into any book or a hundred books to give the people relief. Speaking of the antitrust law, he says:

It was commonly supposed at the time of the passage of this act that its provisions forbade the existence of trusts that were engaged in monopolizing the production throughout the country of various articles of general consumption, and the Government shared in this view.

It was commonly supposed, he says, when the act was passed, that it did apply; that it did mean something; that it had a threat and a power to punish when law was broken.

Then he goes on and gives a brief recital of some of the litigation, beginning with the Knight case, the sugar-trust case, in which the court held that that monopoly was merely manufacture; that it did not necessarily enter into interstate commerce, although it would be very difficult to see why people should pile up millions and millions of pounds of sugar merely for the sake of manufacturing it. But the Supreme Court, staying within safe limits, declared that manufacturers did not come within the



scope of the antitrust law, and protected the sugar trust; and while it is an open secret that no effort was made to show that the product had entered into interstate commerce and was then entering and was intended to enter (and to that extent the district attorney failed to present his case for the Government in a proper light), there were cases subsequently in which the Government showed its hand, and its mailed hand, to these malefactors and stopped their wrongdoing.

He speaks here of the Addyston pipe combination, and Senators or others who are interested would do well to give heed to the opinion of Judge Taft in that case—Judge Taft, who is now in the Philippines; Judge Taft, who has given notice that his sense of public duty will not allow him to accept the high position on the Supreme Bench, for which he was booked, and that he remains out yonder in the discharge of an arduous, if an odious, duty. It may not be odious to him. I do not want to get off on our imperialistic programme this morning. I am not going to enter that switch. But I want you to read the decision of Judge Taft and the common-law doctrine which he elucidates so forcibly and unanswerably to sustain the contention that any monopoly or any attempt at monopoly in restraint of trade which extends to interstate commerce is within the jurisdiction of the antitrust law and that it is the duty of the Government to move to put down such conspiracies.

Let us see what Attorney-General Knox himself says about the common-law doctrine. I want to get through with my quotations from this interesting pamphlet of the Attorney-General. While it may not be entirely relevant to my argument just now, I put it in here in justice to him lest I forget it. But Attorney-General Knox says in regard to the common law:

Primarily it is for the Congress to decide whether it has the power, and whether and to what extent it will execute it; what character of restraints, whether all or those only which are unreasonable and injurious shall fall under the ban; whether legislation in the first instance should extend to all commerce or only to commerce in articles of vital importance to the people.

Now, listen:

The time never was when the English-speaking people permitted the articles necessary for their existence to be monopolized or controlled, and all devices to that end found condemnation in the body of their laws. The great English judges pronounced that such manifestations of human avarice required no statute to declare their unlawfulness; that they were crimes against common law—that is, against common right.

It is difficult to improve upon the great unwritten code known as the common law. Under its salutary guaranties and restraints the English-speaking people have attained their wealth and power. It condemns monopoly and contracts in restraint of trade as well. The distinction, however, between restraints that are reasonable in view of all the circumstances and those which are unreasonable is recognized and has been followed in this country by the courts.

Discussing that phase of this subject, I want to point out that in the decision of the Supreme Court in the Debs case, while Judge Woods, the circuit judge who had issued the injunction against Debs, based it on the antitrust law, the Supreme Court declared that he had jurisdiction and that it was his duty to act in the premises; that is, under the statement of facts presented to him, because of a broader foundation and a wider power than the antitrust law gave. I have Judge Woods's opinion here and I have the Supreme Court's opinion here, but I do not propose at this stage to indulge in quotations from the Supreme Court or from the other judges.

I wish to call attention to the fact that in speaking so eloquently of the common law as he has done it should be understood that the Attorney-General arms those of us who contend that the antitrust statute must be interpreted in the light of the common law, as the Supreme Court has declared, and that therefore the strict letter of that statute, if it be unequal to the emergency, would be strengthened by the general principles of law known as the common law, and that all of these combinations and monopolies are contrary to law, illegal, null, and void, because they are contrary to the general doctrine of public welfare, and therefore if there would be any straining of the law, if the Attorney-General wanted to stretch his power and reach his hand beyond the statutory authority, he has ample provision, ample opportunity, ample authority in the decisions of the courts in regard to the exercise of the judicial hand in the various cases which have been brought under the antitrust law.

Before I leave Mr. Knox—and I do not know that I shall leave him at all, because he is what you lawyers call the delictum, from my point of view; he is the criminal whom I am indicating, the man blamable, primarily or secondarily, for all this misery and wrong and suffering, because he has failed to do his duty—I want to call attention to a peculiar phase of our national evolution.

Mr. DIETRICH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. TILLMAN. I will in one minute. [A pause.] I had better yield now. I am just beginning on the other subject. So go ahead.

Mr. DIETRICH. I wish to ask the Senator from South Carolina if he is as positive now that Attorney-General Knox is to blame for this condition as he was when he stated in 1896 that

the distress, poverty, and hunger which prevailed in the winter of 1894-95 were due to the money question?

Mr. TILLMAN. Mr. President, I have hunted rabbits in my time, and I have hunted 'possums, and I recollect once when I was a small boy going out with a good old ducky on my mother's farm—plantation, as we called it—one moist night, sort of half moonlight, when there was not any need of a torch, to hunt 'possums. We had one of the best 'possum dogs that ever barked on anybody's branch, and whenever he opened his mouth I could see my old ducky friend's mouth begin to water, because he had in view the feast that was to be his when the baked 'possum and taters came on the table next day. On the special night I speak of, after a good long walk through the pines and up and down and around where the 'possums were accustomed to go, we heard the old dog, who had seemed a little crestfallen and more or less lacking in strenuousness, and had been unwilling, seemingly, to exercise himself much and move about in that lively way which was his custom. Having left us for a time and disappeared, presently we heard him bark.

We freshened up ourselves. We were getting a little sleepy by that time, because it was beyond 10 o'clock. We heard in the distance the hound's voice, and presently we heard him give that well-known, deep-throated bark which indicates that a dog has bayed. In other words, he has his quarry up a tree. The difference in the tone would not be recognized by any but one accustomed to hunting, but every person who has been in the country in his boyhood and has indulged in any kind of sport like that, where dogs bay, will know to what I am alluding. We heard the old hound bay and we hurried forward, and when we got to him we found that he had barked up a small gum tree and that he was rearing up on it, throwing his paws up, and barking loudly. We looked—and there was sufficient moon for us to see anything—and there was not anything up that tree. The old hound had made a mistake, and that ducky friend of mine said: "Come, Buddy; come, let us go home. Old Red has gone to running 'haunts,' and we will not catch any more 'possums to-night."

I am not running haunts to-day, I will say to my honored friend, the Senator from Nebraska, and I am not discussing what caused the misery in 1893 and 1894 and 1895, but I will say to him in a general and a very brief and pointed way that the tariff, which is said to have been the cause of all that misery, was not enacted until after the panic had come; that the so-called Democrat who was elected that year found, when he entered the White House, that orders by President Harrison had been issued in preparation for the issue of new bonds to maintain the gold standard; and that the acts of Mr. Cleveland in carrying out the Republican programme, without change or variation, without altering the helm of state one-tenth of a degree, only helped bring on what had already started, and that was an avalanche of ruin and hunger and lack of work from conditions which had grown up under your own Republican tariff law, and which was most miserable and horrible. God Almighty, or the devil, owed the Southern people, or the Democratic party, a grudge and paid it off in Grover Cleveland! And owing to his mistakes and blunders and treacheries the Democratic party gets all the credit for all that which would have come any way had you remained in power. I hope you are not going to leave. [Laughter.] I mean I hope the Senator from Nebraska has not got enough.

Mr. President, I have pointed out in a fair way, as I think, what Attorney-General Knox has said, and his interpretation and recommendations in regard to trusts. If any Senator can suggest wherein I have been unfair, or have done him wrong, or have failed to quote what might be to his credit, I will gladly insert it here and now.

In regard to these suits which Mr. Knox has brought—the suit to prevent the merger of the Northwestern railroads, the Northern Securities Company case, I believe, is the title, and the suit against the beef trust, and one or two others—I note a peculiar condition, a remarkable situation, to which in passing I will merely call the attention of the country and such Senators as are doing me the honor to listen to me.

Mr. Knox had a predecessor in the Attorney-General's Office, and it is a matter of record that during the two years or such matter while Mr. Griggs was Attorney-General never was a case brought under the antitrust law. He said he could do nothing, and he never even tried. But after he left that office, and after he was succeeded by the present incumbent, we find that in the very cases which have been brought by the present Attorney-General to restrain trusts and monopolies and combinations, and they are only two or three, the lawyer employed by those monopolies and combinations to thwart the Government is the very gentleman who was his predecessor as Attorney-General and who has only recently left the Department. In other words, we have the remarkable spectacle in jurisprudence of a man, the trusted officer and servant of the people, the man in a high official place, charged with a certain duty, remaining in that office quiescent and innocuous to



his friends, but most harmful to the people, getting in full touch and obtaining all the information necessary to arm him with any facts that might be known privately to the Department of Justice, then going out and the very first time the Government attempts to move along the lines which he himself had declared to be unprofitable and useless he appears to argue the case on the other side.

And that is not the only case. He has appeared three or four times in these efforts on the part of the States and on the part of the National Government to bring these monopolies and these combinations and trusts to book. It is his business as a lawyer, it will be said. Yes; it is his business as a lawyer, but for the honor of the profession—and I do honor it, notwithstanding the number of shysters and scoundrels who are in it and who disgrace it—I will say that I have never known in all my reading an instance in which an ex officer of the Government was so brazen, had so much impudence, had so little regard for the decencies and proprieties of life, as to appear in a case against his successor and against the very Government which he had served or pretended to serve; he certainly drew the salary.

There is one instance, not in legal jurisprudence but in poetry. Admirers of Byron will recall that biting but most brilliant of his satires, *The Vision of Judgment*, in which is portrayed the death of George III and his appearance at the gates of heaven, knocking for admission; the trial that was had outside in the open air, not within the sacred precincts, with St. Peter as judge and with Beelzebub as attorney, claiming the corpus delictum as belonging to his jurisdiction and to his dominion, while Michael was sent down the pearly gates opened, and the archangel appeared to defend and claim jurisdiction of the case in behalf of his master, to determine whether or not this old blind decrepit tyrant was entitled to enter heaven. And Byron describing the scene (the poem is possibly the wittiest, as I said, if not the most brilliant of anything he ever wrote in the way of satire) speaks about the meeting of Satan and Michael, formerly high spirits in heaven, archangels, one of whom had been cast out by reason of his rebellion, and the other remaining loyal.

These two former confederates and associates meet to try the case whether or not George III is entitled to enter heaven. I had it in my mind to bring the book here and to read ten or twelve stanzas, because it would probably be the most interesting part of my speech. But here is a prototype. It is not exactly analogous, for the reason that this was merely a contest between a fallen angel and one who still held this high estate. I will not characterize Mr. Griggs as a fallen angel; I do not think he ever was an angel at all. He has no wings. But at present we must, for the sake of the allegory, say that the Attorney-General is an angel and that Griggs, in his attitude of antagonism to the Government which has honored him, is a fallen spirit; and here is what Byron says about that other meeting:

The spirits were in neutral space, before  
The gate of heaven; like eastern thresholds is  
The place where death's grand cause is argued o'er  
And souls dispatch'd to that world or to this;  
And therefore Michael and the other wore  
A civil aspect—

They had only recently been at war. I will say recently; that was the last time they had met. It may have been a thousand years or a million years. We do not know anything about that. There is no time in heaven, we are told. Therefore I used the word "recently" possibly wrongly.

And therefore Michael and the other wore  
A civil aspect though they did not kiss,  
Yet still between His Darkness and His Brightness  
There pass'd a mutual glance of great politeness.

And no doubt when Mr. Griggs, who graduated into the Attorney-General's office from the position as attorney of the combined coal railroads, as I am informed, this very trust which is causing all this misery, was confronted by Mr. Knox, who graduated into his office after having served corporations all his life, and was once the attorney of the Carnegie Company—no doubt when they met to determine whether or not the antitrust law was mere language or whether it had anything of force and power to restrain wrong and punish it, they failed to kiss, but undoubtedly they winked at each other, Knox saying to Griggs: "I will do just as little harm as I can, and you keep me from doing all the harm you can." [Laughter.]

Mr. President, having, as I think, been fair in trying to state the Attorney-General's position and giving him due credit for all he has done, I come to that part of his official career where I propose to indict him for having failed to do what he ought to have done and what he could have done; what the law said he should have done and the people who are interested endeavored to have him do.

For the purposes of my argument, I want to take up the subject of the coal combination, of the coal trust—of the organization, creation, manipulation, and ownership of the coal output in

the anthracite region. Fortunately we have at hand a very valuable collection of testimony and evidence.

Two or three years ago—I do not recall the exact date—this body had a desire to give the children something to play with, to relieve the tension in the minds of the laboring classes as to the fact that they were ignored in this House, and at both ends of it. An agitation sprung up in regard to the creation of a nonpartisan, nonpolitical commission which would examine into all conflicts between capital and labor, examine the whole field of our industrial life and report to us its conclusions and recommendations. The Industrial Commission, composed of men of the highest character, many of them experts along certain lines with which the Commission had to deal, have made their report, and that final report was published last February—it being their summing up. Senators who want to follow me can get the nineteenth volume of the Industrial Commission's report and read it, if they want to.

I come to the statement of Mr. Phillips, his independent statement, because he would not join his fellows in all of their theories or their deductions. It is found on page 653 of volume 19:

From the investigations of the commission it is apparent that the most potent factor in establishing and maintaining monopolies has been preferential or discriminating rates of freight by common carriers given by rebates or otherwise. One of our oldest monopolies, though not nominally in the hands of a single corporation or trust, is that which controls anthracite coal. This business furnishes a conclusive proof of the power of the railroads through discriminating rates to establish a monopoly.

The facts with respect to this have been very clearly brought out in the report of the Industrial Commission on Transportation. Mr. H. G. Brooks, an independent coal operator of Pennsylvania, testifies (Vol. XII, p. 163) that 43,000,000 tons of anthracite coal are yearly carried by rail to market at three-fourths cent per ton per mile in excess of the rates charged for carrying bituminous coal. This is—

#### Now listen:

This is \$322,500 per mile of excess charge for the year's product, or \$46,762,500 annually for the average haul of 145 miles to the general market, or over \$1 a ton.

They charge that excess as a difference between anthracite and bituminous coal.

This overcharge, which is greater every year than the interest on our national debt, is made possible by the railroad monopoly, now euphronically called "community of interests," and by the limited area of the hard coal supply. By discriminating against independent operators the railroads have forced them to sell their properties, until, at the present time, more than nine-tenths of the anthracite coal deposits is owned, and more than three-fourths of the entire yearly product is mined by eight lines of railroad that are substantially in entire union of interests. The report of this Commission summarizes the situation in this paragraph (Vol. XIX, p. 463).

#### This is the summing up of the entire Commission:

On the basis of all this evidence it appears that the trend toward consolidation by actual purchase, not only of one railroad by another, but of independent coal holdings by the railroads, together with the extension of the community of ownership idea, is unmistakable. It can not be long before the anthracite coal business of the United States, in all its enormous extent and commercial value, will be entirely monopolized by a few powerful financial interests. The only safeguard for the public against exorbitant prices must be found either in the competition of other fuels, in enlightened self-interest on the part of the railroads, or in the immediate application of governmental regulation. Competition between either the producers of anthracite coal or the railroads which transport their product can no longer be regarded as of the slightest effect.

Did the Attorney-General know these things? If not, why not? Where is that watchful statesmanship of which we heard so much yesterday in the eloquent speech of the Senator from Iowa [Mr. DOLLIVER], that foresight, that wisdom, which looked ahead and minimized the harm by action?

The evidence is cumulative. I readily foresee however that I will have to stop this siren song directly and give way to the honorable Senator from Ohio [Mr. FORAKER], who has given notice of a speech at 2 o'clock, and, as I know from my experience, when a man has prepared some slight "remarks" to deliver in this body, if he does not get his speech off on schedule it is liable to cause indigestion, mental or otherwise.

I realize that I shall have to postpone until another day a continuation of this interesting topic. But I feel sure that the people who are shivering, the people who are freezing, the people who have voted to send us here, who are crying aloud with their up-raised hands, "Help us!" "Protect us!" want to hear as much of this as may be necessary to satisfy their own minds whether or not my contention is true; that the cause of all this suffering and wrong and misery and robbery to-day lies at the door of that officer of this Government whose sworn duty it is to enforce the antitrust act, and who may be, and is, in my judgment, and will be, I believe, in the judgment of every honest mind who will examine all this evidence, solely responsible, except inasmuch as he has been hampered or restrained or ordered by his superior not to act.

It is a very good place for me to stop, although I have seven more minutes, and I will read a little more. I will get in some more of the evidence and let my brethren on the other side digest it. I read from the report of the same commission:

The principal event connected with the attempted elimination of coal production independent of the transportation companies has consisted of the purchase of the Pennsylvania Coal Company by the Erie Railroad. This Pennsylvania Coal Company, as our map of the Wyoming region indicates,



controls some of the most valuable properties in the heart of the richest field. Its production is not proportionately great, amounting to slightly less than 5 percent of the total shipments for 1900. Its importance is due, rather, to the fact that its reserves for future production are great, and also that it was the largest of the single companies still independent of the railroads. Its independence has also in a measure been accentuated by the fact of its ownership of a connecting road, the Erie and Wyoming Valley, with an outlet at Hawley on the Erie system.

Some three years ago the independent operators who, as we have already seen, are most important in the northern field, projected an independent connecting railroad line, with a view to securing lower and more equable freight rates to tide water. The earliest of these attempts was frustrated by the purchase of many of the mines which had pledged tonnage to this road through the agency of the Temple Iron Company. A second attempt was also made to secure an outlet to tide water by the construction of a railroad following the abandoned Delaware and Hudson Canal to Kingston, on the Hudson River. The Pennsylvania Coal Company was an important factor in this enterprise. Thus, to the leading incentive of eliminating the most important of the independent operators by the purchase of the Pennsylvania Coal Company, was added the advantage arising from a frustration of this projected construction of an independent railroad to tide water. The opposition of the established railroads to any such attempt at new construction was manifested also by the New York, Ontario and Western Railway, which proceeded to buy up all the independent operators who had agreed to ship over this new road in case it were built.

The purchase of the Pennsylvania Coal Company was made by the Erie Railroad through the mediation of the banking house of J. P. Morgan & Co. Agents traversed the entire northeastern region of Pennsylvania for months, purchasing shares in the coal company for whatever price was necessary in order to give control. The company had been paying about 16 per cent dividends, and with a capital of \$5,000,000 had accumulated a surplus of twice that amount, so that the price asked for the stock was obviously not low. It is reported that the average price paid by J. P. Morgan & Co. was \$52 a share. This property, when purchased, was then turned over to the Erie Railroad in return for \$2,000,000 of 4 per cent fifty-year collateral trust bonds, secured by the property of the Pennsylvania Coal Company and also by the New York, Susquehanna and Western Railroad Company, recently acquired by the Erie.

In addition to this, the plan provided for an issue of \$5,000,000 of preferred stock. Criticism has been directed against this operation on the ground that the price paid by the Erie Railroad to J. P. Morgan & Co. was excessive. Testimony before the Industrial Commission indicates that this was in fact the highest price paid for such properties in the history of the business, judged on the basis not of acreage, but according to ton of output. On the basis of a similar valuation the coal lands of the Reading Company would be worth \$125,000,000, as against a present estimate on the books of the company at the last reorganization of only \$70,000,000.

I will pause here to comment by stating that if this was the last chance for competition, if it was closing out the independent operators and forever handcuffing the American consumers, we can understand why Mr. J. P. Morgan was willing to raise his sights and hand out the ducats. What man intent on power and wealth would not give a big price, if he already owned everything except a little corner where competition existed, to buy the remainder, so as to cause the consumers of anthracite coal throughout the United States to be helpless and to pay into his coffers whatever he might see fit to demand?

Just as we have seen that other captain of industry do, that monumental millionaire, John D. Rockefeller, who is now trying to buy his way into the Temple of Fame by large and ever-increasing contributions for the upbuilding of the great Northwestern University. Whenever he sees fit in the lavish generosity of his heart to get a spectacle before the people and have himself advertised, and have the sycophants who write editorials in our papers bow down and worship at his shrine and praise him as a great benefactor, he says he is going to give, or does give, two or two and a half or five million dollars, and a week or two afterwards, or a week or two before, orders go to his agents throughout the United States to put 2 or 3 cents more a gallon on kerosene, and he rakes in ten or fifteen million dollars out of the pockets of the laboring people of this country by reason of this monopoly, and then turns around and graciously gives back to the University of Chicago two and a half million. Oh, these multi-millionaires know how to advertise themselves and make others pay for it!

Mr. Morgan could well afford to give whatever price was asked in order to get this last remaining obstacle in the way of his complete absorption of the anthracite coal field and of those who are mining it; and the Attorney-General sits silently and looks on, squints his other eye, thinks about Brother Griggs in the past, thinks about what is going to come to him in the future, and says, "Well, the American people are such infernal fools they will never catch us."

Mr. President, I now yield to my friend from Ohio [Mr. FORAKER], and I will resume to-morrow, I take it.

Mr. SPOONER. Then it will not do to have the resolution as it is now.

Mr. TILLMAN. I ask unanimous consent that the resolution may go over and that I may have the floor to-morrow when it comes before the Senate.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is there any objection to the request of the Senator from South Carolina?

Mr. TILLMAN. I ask that it may go over holding its privileged place.

The PRESIDING OFFICER. The Senator from South Carolina asks that the resolution offered by the Senator from Missouri may go over retaining its place in the morning hour, and that he

shall be entitled to the floor upon it to-morrow. The Chair hears no objection.

Mr. QUAY. Of course that is not to interfere with the regular order?

The PRESIDING OFFICER. The Chair so understands.

Mr. TILLMAN. The statehood bill will come up at the expiration of the morning hour. I am the unfinished business upon the resolution of the Senator from Missouri, as the Senator from Minnesota [Mr. NELSON] was the unfinished business upon the statehood bill.

#### STATEHOOD BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. FORAKER. Mr. President, I gave notice that at this time I would make some remarks in support of the pending bill, and I have been expecting to do so, but the Senator from North Dakota [Mr. McCUMBER] desires to address the Senate, and to accommodate him I yield the floor until after he shall have concluded his speech.

Mr. McCUMBER. Mr. President, I am under obligations to the Senator from Ohio [Mr. FORAKER], who has kindly yielded that I may take up some thirty or forty minutes in the discussion of this bill before he enters upon the discussion of it, and I wish to assure the Senator that his courtesy is appreciated and that I will leave him a sufficient length of time to complete his speech before the usual hour of adjournment.

Mr. President, I have listened with a great deal of interest to the most thorough discussion on the part of the Senator from Minnesota [Mr. NELSON] of this measure, and I shall not attempt in the least to traverse the same ground occupied by him in that discussion. I may say now that the remarks which I shall make will not be in conflict with any of the facts which he has brought out in his discussion. In fact, I believe, admitting everything that he has said, one can honestly and conscientiously arrive at a conclusion entirely out of harmony with the conclusion arrived at by the Senator from Minnesota.

I agree, Mr. President, that the uppermost thought in the mind of every person considering this subject should be the influence of his decision upon the country at large in the future and not at the present time, and that we should have in our mind the welfare of the country at large rather than the welfare of a single State or of two or three separate States.

Mr. President, the attitude one should assume toward either of the statehood propositions—the one to admit a single State, the other for the admission of three new States with a possibility or a fair probability of the admission of another in a few years—depends entirely upon the standpoint from which he views the case. He may have uppermost in his mind the effect of the one or the other measure upon the status of the balance of the Union under present conditions. He may have in view only the present and future interests of the States which are sought to be introduced and made a part of the nation under the provisions of either one of these bills, or he may have in view the effect of the favorable consideration of either measure upon the country as a whole and for all time.

In this discussion, Mr. President, I shall monopolize but a small portion of the field of debate, but I hope to clearly and concisely demonstrate my views and show that they present matters worthy the consideration of every man who will take a prospective rather than a retrospective view of the influence his decision may have upon the future welfare of the country as a whole. I purpose to discuss this matter from the standpoint of the equitable representation of every section of the country in the Congress of the United States.

Now, Mr. President, the most casual survey of a century and a half of national progress can not fail to impress everyone with the truth that we have drifted very far from those principles and policies with which we were initiated into the sisterhood of nations. With a facility and elasticity, possibly unexampled, we have easily adapted ourselves to new conditions and harmonized our policies with new and unforeseen surroundings.

With our attention ever riveted on the future, we are fast leaving behind us old traditional theories; sometimes adapting these theories by an enlargement to meet conditions far beyond their original intent; sometimes, with startling audacity, abandoning them altogether to meet greater contingencies; but in all cases, with consummate skill and judgment, strengthening the national character, enhancing the welfare and accelerating the prosperity and progress of the nation.

The old idea of the nation for the benefit and protection of the



several States, the old alliance idea, has been superseded by the higher and broader one of the States for the benefit and grandeur of one nation.

This metamorphosis toward single nationality has been unceasing in its development.

The American of one hundred and twenty-five years ago recognized a group of sovereign States united under a compact deemed essential for the protection of each, with pride of State and State sovereignty strong in the hearts of its citizens.

The American of a century later looked upon a great nation whose subdivisions were States, each with its own separate governing power, but with the pride of State coalesced and merged into the higher emotion of national patriotism.

The American of to-day, almost forgetting State boundaries, sees mainly a mighty empire with its lofty ranges of mountains, with its beautiful and fertile valleys, with its vast forests, its verdant plains, and its wonderful rivers. He sees no divisions but those traced by the hand of Omnipotence, and all of this comprising the most varied in topography, in produce, and in natural resources, a land of mountains and plains, of woodlands and lakes, of prairies and streams, and this he recognizes as his country.

Mr. President, I note this change of ideals, of theories, and policies, because it is particularly pertinent when we are asked to consider older guides a precedent for the admission of new States. There is an old precept of law that when the reason for a rule ceases the rule itself ceases. That precept is certainly applicable in this case.

Considered as a scheme of equitable representation, it was never claimed that giving the tiniest State, representing but a minute population, the same power, the same voice as a State of ten or a hundred times its size, or ten or a hundred times its population, had the sanction of reason and exact justice. Considered, however, as an expedient necessary to secure the union of the States, in the first instance, its justice was most manifest.

Now, Mr. President, in that case the end justified the means found necessary to secure it. But, from the standpoint of citizenship and nationality, the representation in the upper House of Congress is an illogical one.

The lines which divide States have little or no logical basis. They are, for the most part, run without reference to the particular characteristics of any section.

The original idea of representation in the upper House was mainly the representation of the States as separate units. This idea is no longer the dominant one. In fact, it may be said to be almost eliminated. Indeed, it can scarcely be said to-day that the representation here is by States at all. The State lines are practically obliterated, except for the purpose of the election of the members of this body.

Mr. President, in the development of our internal industries commercial assimilation has obliterated boundary lines and we are forced for all legislative purposes to recognize great sections, natural divisions, rather than States. As we view the country as an aggregate we group these sections together to make our map—the agricultural section, the coal, the iron, the cotton, the sugar, the lumber, the stock raising, the mining, and the diversified manufacturing sections. It is these sections, with their peculiar industries and interests, which are really represented in this body.

It is the people of these sections, speaking as such, whose voice is most potently felt upon every important measure before the Congress of the United States. Upon all local matters which are nonpartisan in character Vermont, Maine, and New Hampshire will vote as a unit. So, too, will Pennsylvania and West Virginia, the coal and iron States, while Indiana, Michigan, and Illinois will find themselves naturally harmonious. Minnesota and Wisconsin and Iowa will find like interests to protect and like objects to be secured, and the State lines between North and South Dakota, Nebraska, and all the wheat and corn raising States will scarcely be recognizable. The mining States will vote their several Representatives as one delegation, and the cotton States will combine the legislative efforts of all their members in the Senate.

Now, Mr. President, knowing, as we do, that it is the people and industries that are represented, rather than the territory encompassed within certain lines, it follows that the best results to the whole country can only be obtained when each of the great industries and the population supported thereby have a representation in this body commensurate with its importance when compared with each and all of the other industries.

Upon this foundation of equitable representation in this body of people and industries and sections, rather than upon the question of number and size of States, I base my support of the House measure in the main as being at least better adapted to produce such results in the future than the measure recommended by the majority of the Senate committee. If in the uniting of the several colonies into a single nation the size and population of any colony were necessarily abandoned in order to effect the compact,

resulting in manifest inequality of representation both present and future, then the present inequality in the size or population of any proposed State, not necessarily permanent, can hardly be claimed to be of an objectionable character if it will tend to eliminate inequality.

If, on the whole, Mr. President, it tends to equalize with greater exactness the representation of all the sections and probable industries of the country, that alone warrants its favorable consideration by this body.

Whenever one section of the country or one industry has more than its proper proportion of voting power or influence, as I have said, considering its importance, there is always a danger that in the contest of each section to secure special benefits some other section or industry of equal or greater importance, but less strongly represented, will suffer in consequence.

The iron-producing sections of the country should not outweigh the diversified manufacturing sections. The great labor element of the cities should not outweigh in its representative power the labor element of the farms.

With equal justice this representation never can be, but approximately it can be secured by so legislating that the number of States into which the Union is divided, with their fixed representation in the Senate, will bear some relation to the section and the special interest or industry represented—by giving, so far as possible, each one of these sections a representation commensurate with its importance.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Yes, sir.

Mr. BEVERIDGE. Mr. President, I have been following with interest the argument of the Senator from North Dakota, and in order to understand the basis of it clearly I want to ask the Senator if in his plea for the representation of sections rather than of States he means that there should be a representation of areas or a representation of population?

Mr. McCUMBER. The importance of industries will always be determined by population, because an industry is only important when we consider the number of people which is supported by that industry.

Mr. BEVERIDGE. Then I understand the Senator—and if so of course there is no disagreement between the Senator and myself and other Senators—to contend for representation by population, not for a representation of square miles merely, but a representation of people and not for a representation of mere productivity.

Mr. McCUMBER. I will state to the Senator that I will make that entirely clear before I get through with this discussion.

Mr. BEVERIDGE. Very well.

Mr. McCUMBER. For instance, if we were to divide the territory comprising the United States to-day into 45 States, does any Senator believe that we would recognize the map which we would make in that division as the map which now exists? Does anyone consider for a single moment that the division would be other than by industries and by territory combined, so as to equalize as much as possible the voting power and strength of each industry according to its importance? I think our entire effort would be in that direction if we were to-day to attempt to make a new subdivision of the States constituting the United States.

To-day we can form some reasonable idea of the future development of the country. In that respect our judgment can be exercised with much greater accuracy than that of our predecessors of fifty or seventy-five years ago. To-day we know the character and natural resources of the whole country, and each and every portion of it, and can fairly estimate the population which can be supported in any Territory or in any particular section. We probably did not have the requisite information when we created the State of Nevada.

If the wheat, corn, and stock raising industries of the country represent one-half of the population of the United States, it is clear that the territory supporting that population should have one-half of the voting power in this Senate.

I think this proposition will partially explain to the Senator from Indiana my position—that it should have one-half of the voting power in this Senate and that every other industry should have the like voting power, according to its relative importance. The time may come when there will be a conflict between organized labor, we will say, in the manufacturing industries of the country and the agricultural labor of the country. Is it not apparent that such a conflict may arise at any time in the future? Let me give but one example. Let us take the matter of the manufacture of leather goods. Those people who are interested in the manufacture of shoes, boots, and other leather goods, while they had a market in the United States which took the entire product of their mills, were interested very naturally in keeping out all other goods of like character and in building up around them a tariff wall for their own protection.



When they go beyond this and become exporters, so that they need a foreign field and desire to produce cheaper, there may come a time when they will desire that the tariff be taken off of leather. This may, in case that we are able to curb the trusts, in some manner, so that the benefits will not accrue to them, be detrimental to the interests of the raiser of cattle; it may be detrimental to the farming and agricultural interests. In case a conflict of that kind should come before this body, anyone can easily see that it is to the interest of the country and the interest of both sections that the forces, the representative power, and the vote in this Senate be in accordance with the importance of the particular industry affected.

How would it be in other matters? Let us look into the present conditions a little; let us take the matter of stock raising. I have on my desk resolutions of several bodies in favor of taking off the tariff on meat, taking off the tariff on live stock, in order to curb the trusts. This tariff has been of incalculable benefit to the farmers of the Northwest and the agriculturists all over the country.

I simply mention this to show that there may be contests, and when there is a contest in the future between important matters of this kind every industry should be properly represented in this Senate; and I am not inquiring whether the representation comes particularly from the West or the East or from whatsoever section it may come, so that it protects the industry.

Let us carry this out a little further and see how it may affect our wheat-raising section of the country in the future. I wish to give the Senator a few figures that may interest him to know what our wheat raisers are looking forward to.

The great emigration of Americans into Canada, which has just commenced to flow in that direction, is due to the fact that tillable Government land in the United States is no longer to be obtained in sufficient quantities to meet the demand.

We have doubled in our population in the last thirty-five years and will double that population again in the next thirty-five years. In the year 1901 we raised about 700,000,000 bushels of wheat. We consumed all but about 132,000,000 bushels. At 5 bushels per capita, it would require but 26,000,000 more population to consume our entire product. Considering that wheat land will fail in its production in a few years, it can easily be seen that the time is not far distant when we will consume all the wheat we can raise. Then the Western farmer who has been the unfailing friend of protection will ask like protection when it will be of some particular benefit to him.

Mr. President, will the addition of three more States, as proposed in the House bill, tend to secure for all time a better and more logical representation in this body—and by that I mean representation of the diversified industries of the country?

The movement of the tide of immigration westward is of special interest as an indicator of the ability of both the southern and northern halves of the United States to sustain an equal proportion of population. In 1790 the center of population of the United States was about 23 miles east of Baltimore; in 1800 it was about 20 miles west of the same point. If we place a star at the center of population on the map in each decade since then, these stars will form almost a straight line along the thirty-ninth degree of north latitude.

In 1900 the census placed the center of population at 39 degrees 9 minutes and 36 seconds north latitude, 35 degrees 48 minutes and 54 seconds west longitude—about 6 miles southeast of Columbus, Ind.

If each half, the northern and southern, sustains an equal population in the future, as has been suggested, the representation in the Senate should be about equal. Bisecting, therefore, through a line in the center of population by east and west, and considering any State north or south of the line according as its greater bulk lies north or south of it, we have the following table:

STATES.			
North.		South.	
Number .....	26	Number .....	22
Number of representatives .....	52	Number of representatives .....	44
Population .....	45,787,475	Population .....	30,207,100
Combined area in square miles .....	1,298,504	Combined area in square miles .....	1,733,545
Average number of inhabitants per representative .....	880,528	Average number of inhabitants per representative .....	686,525
Average number of square miles per representative .....	24,971	Average number of square miles per representative .....	39,399

This is on the supposition, of course, Mr. President, that the three new States will be created, making 48 in all.

Let us consider this table for a moment. It shows the number of States which would be north and the number south, the number of representatives both north and south of the line, the population north and south of the line, the combined area in square miles both north and south, the average number of inhabitants per present representation, and the average number of square miles per present representation.

We would have, then, under present conditions 26 States north and 22 States south. The number of representatives, therefore,

would be 52 north and 44 south; the population would be 45,787,475 north and 30,207,100 south. The combined area in square miles would be 1,298,504 north and 1,733,545 south; the average number of inhabitants per representative would be 880,528 north and 686,525 south, and the average number of square miles represented by each member would be 24,971 north and 39,399 south.

Mr. President, bisecting by a north and south line through a point representing the last center of population, let us view the representation by population at the present time; and here I insert a table showing practically the same thing in reference to this division.

STATES.			
East.		West.	
Number .....	20	Number .....	28
Number of representatives .....	40	Number of representatives .....	56
Population .....	39,815,510	Population .....	35,179,065
Combined area in square miles .....	574,215	Combined area in square miles .....	2,457,830
Average number of inhabitants per representative .....	995,388	Average number of inhabitants per representative .....	538,930
Average number of square miles per representative .....	14,605	Average number of square miles per representative .....	43,890

By this table we will then have 20 States east and 28 States west of the present center of population. The number of representatives east would be 40 and the number west 56. The population east would be 39,815,510 and the population west would be 35,179,065. The combined area in square miles for each representative would be 574,215 in the east and 2,457,830 in the west. The average number of inhabitants per representative in the east would be 995,388 and the average number of inhabitants per representative in the west would be 538,930. The average number of square miles per representative would be 14,605 in the east and 43,890 in the west.

Now, let us take another division, almost through the center of the United States. If we were to divide the country by States so that there were to be an equal amount of territory east and west of the line of division, such line would be drawn from the northeast corner of North Dakota to the southeast corner of Texas. This would give us the following:

STATES.			
East.		West.	
Number .....	31	Number .....	17
Number of representatives .....	62	Number of representatives .....	34
Population .....	64,806,613	Population .....	11,187,962
Combined area in square miles .....	1,292,605	Combined area in square miles .....	1,739,441
Average number of inhabitants per representative .....	1,045,268	Average number of inhabitants per representative .....	329,058
Average number of square miles per representative .....	20,348	Average number of square miles per representative .....	51,260

We would then have 31 States east and 17 in the western half. The number of representatives in the eastern half would be 62 and the number in the western half would be 34. The population in the east would be 64,806,613 and the population in the west would be 11,187,962. The combined area in square miles in the east would be 1,292,605 and in the west 1,739,441. The average number of inhabitants to a representative at the present time would be 1,045,268 in the east to 329,058 in the west. The average number of square miles represented by each member in this body would be 20,348 in the east and 51,260 in the west.

But perhaps the most important line of division in the United States, and the one that will appear to us most logical, will be the division made by the Mississippi River.

Under such a division nearly one-third of the territory of the United States would be east of this line and more than two-thirds would be west of this line. I submit to anyone who is acquainted with the entire United States that the probable population west of the Mississippi River in the next fifty years will be greater than the population in the eastern section.

Now, let us bisect by this line and see the number of States and the representation that each section would have if the bill as passed by the House should become a law. Bisecting by this natural division, we would have the number of States east of the Mississippi, 26; the number west, 22; the number of representatives east, 52; the number of representatives west, 44; present population east, 55,023,512; present population west, 20,971,063; the combined area in square miles in the east, 881,230; combined area of square miles in the west, 2,250,816. The average number of square miles which would be represented by each member would be, in the east, 16,947, and in the west, 51,155. The table is as follows:

STATES.			
East.		West.	
Number .....	26	Number .....	22
Number of representatives .....	52	Number of representatives .....	44
Population .....	55,023,512	Population .....	20,971,063
Combined area in square miles .....	881,230	Combined area in square miles .....	2,250,816
Average number of inhabitants per representative .....	1,058,144	Average number of inhabitants per representative .....	476,615
Average number of square miles per representative .....	16,947	Average number of square miles per representative .....	51,155

The chief value of these tables is that they may serve as a basis for calculating the future population of the several sections and

the representation that the several sections of the country should have in this body.

The increase in population in the eastern section—that is, the section east of the present center of population, including the District of Columbia—in the last decade is about 17.7 per cent., while the increase in the western section, excluding Nevada, is about 49.4 per cent.

If the ratio of increase in the eastern and western divisions formed by the line running north and south through the center of population at the present time were to continue the same, these two populations would be almost equal in about four and one-half years; the 40,000,000 of the east, increasing at the rate of 17.7 per cent, would in that time be about 42,000,000, while the 35,000,000 of the west, increasing at the rate of 49 per cent, would be about 42,000,000, giving us a total population of some 84,000,000 within four and one-half years.

Taking all the States east of the North Dakota and Texas division, the increase in population in the last decade is about 19 per cent, while the increase in the States west of this division is about 72 per cent. If this ratio of increase were to continue the same for a period of fifty-five years, the populations of these two divisions would be about equal, as, increasing at the rate of 19 per cent, the 65,000,000 of the eastern section would be about 150,000,000, while the 11,000,000 of the western section would in the same time amount to about 151,000,000, giving us a total population of about 300,000,000.

But, taking another method of division, taking the two divisions north and south formed by the east and west line running through the center of population, we have an increase of 16 per cent in the north and 44 per cent in the south during the last decade. Increasing at this ratio for a period of about twenty years, we would have about 60,000,000 in the north, and about 62,000,000 in the south, making in all about an equal division of the total population, which would be about 122,000,000.

If anyone will look at the map of the United States to-day he will observe that the line of the center of population runs almost through the center of the United States, giving an equal area both north and south.

Let us take another division. Taking the two divisions formed by the Mississippi River—and this is, I think, the most important one to consider—we have had an increase during the last decade of about 18 per cent in the eastern section and of about 53 per cent in the western section. Increasing at this ratio for a period of about forty-six years, we would have about 137,000,000 in the east and about 138,000,000 in the west, making about an equal division of the total population of about 275,000,000.

So it will be observed from these tables that in less than half a century, even if the increase kept at its present rate, there would be an inequality in representation in favor of this less than one-third of the area, that east of the Mississippi River, in the proportion of 26 to 22.

But, as a matter of fact, we all know that, the West being the newer country and many portions of it being entirely unsettled at the present time, the proportionate increase will undoubtedly be greater in the West.

Take the State of Minnesota, so ably represented on this floor by the Senator who has been discussing this question [Mr. NELSON], and you find it has scarcely started in its wonderful possibilities of development. It is capable of supporting a population from ten to twenty or thirty times the present population of that State by its iron industries, by its wonderful forests in the northern half, which have scarcely been penetrated at the present time, and by its productive fields; there is probably not a foot of absolutely waste land in the entire State. That statement may almost be made with respect to Iowa, and especially of the agricultural sections, such as North Dakota and South Dakota.

So that, in any event, after a few years the representation must ever after be unequal, and the western two-thirds will be the section which will have the minor representation, even if this bill becomes a law. This inequality will be very much greater in case a less number of States is carved out of the Territories now not admitted into the Union.

While there are many miles of waste in the Western States and Territories, no one who is acquainted with the country as a whole will deny that the country west of the Mississippi River, constituting considerably more than two-thirds of the area of the United States, can support a population equal to the East, constituting less than one-third. If it can, no man can logically deny that it should have equal representation. It will not have this equal representation even if we create the three new States contemplated in this bill; but the disparity will be less if we do pass the House bill.

Now, Mr. President, let us consider the matter of population. I admit that States should always have a population sufficient in numbers to support a State which would be a credit to the Union, and which could, without overtaxation, carry on all the functions of a State.

There are strenuous objections made against the admission of these Territories as States, although it is admitted that some of them have populations much greater than some of the Eastern or New England States.

I do not believe that any Senator here would be entirely safe in making the proposition that the people of New Jersey or the people of Delaware are unable to support a State government, or that Rhode Island or New Hampshire or Vermont are unable to support a proper State government without overtaxation of the people; and if they can do it, I can see no reason, considering all the facts that have been presented by the Senator from Minnesota, why the probability is not equally in favor of the ability of any one of these Territories to support a good, stable Commonwealth, and that without any overtaxation of the territory within it.

But that a Territory has little population to-day does not always signify that it will remain in that condition. Like some of our large States whose population has decreased during certain periods, then by some new impulse adding very rapidly to its population, these Territories may, in the next decade, show an enormous development. They certainly have that in them which is capable of development, according to the report which has been made by the Senate committee.

Nebraska gained but three-tenths of 1 per cent in the ten years from 1890 to 1900. The excess of births over deaths must have been far greater than that. Its people poured over into Oklahoma and other sections. But it is again growing rapidly.

I think that too little consideration has been given to the benefits that may be obtained by irrigation in these Territories in order to support a population. I will admit that the amount of land that is irrigated at the present time is exceedingly minute; but, nevertheless, there are possibilities of irrigation there which I believe will make these Territories comparatively great and prosperous States.

Now, I wish to call attention to some matters which I have prepared in reference to the irrigation of these Territories. Let us take Arizona. It has an area of 113,020 square miles, or 72,332,800 acres. Of this amount 185,396 acres have been irrigated, as shown by the census reports of 1900, or, we will say, only one-fourth of 1 per cent of the entire area. The amount of land that can be irrigated has been estimated at from seven to twelve million acres, and this is estimated by one who certainly is regarded as an authority, but who has been condemned in that Territory for making an underestimation.

Mr. FAIRBANKS. Who is the authority?

Mr. McCUMBER. Mr. F. H. Newell. Hon. Binger Hermann, in a speech at Phoenix, Ariz., a few years ago, gave the estimate at 12,000,000 acres, while Mr. F. H. Newell, chief of the division of hydrography, Geological Survey, estimates that about 10 to 12 per cent of the entire area could be irrigated. Taking the latter estimate, 10 per cent, and we would have 7,000,000 acres more of land in the Territory that can be made habitable by irrigation. Now, let us give 40 acres, as the law contemplates, to each family—what the Government allowance undoubtedly would be for each head of a family of the irrigated land. That would support a hundred and seventy-five thousand families. Estimating five persons to a family, we would have 875,000 people who could be supported upon this irrigated land alone.

Plans have been prepared by the Geological Survey for the construction of the Santa Carlos dam on the Gila River, which would furnish water to irrigate over a hundred thousand acres. The crops raised on the irrigated lands are as yet largely confined to citrus fruits, oranges, lemons, limes, grapes, etc., and alfalfa; but wheat, corn, oats, potatoes, and other vegetables, tobacco, cotton, broom corn, and peanuts are raised on irrigated farms to a considerable extent.

Now, let us take New Mexico. It has an area of 78,374,400 acres, of which 326,800 acres are recognized as improved farming lands; and of the 326,800 acres, 204,508 acres are irrigated, a little more than one-fourth of 1 per cent, I will admit.

The amount of irrigable land in the Territory is about the same as that of Arizona, 10 per cent, we will say, of the total acreage, and, taken on the same basis as Arizona, would support about the same number of inhabitants. The products of this Territory are the same as those of Arizona—corn, wheat, oats, and fruits.

No estimate has been made for the establishment of an irrigation system other than an estimate of the cost of survey of a dam at the Rio Grande River.

Mr. President, the Senator from Minnesota [Mr. NELSON] has spoken quite elaborately upon the great amount of waste land which might be used for pasture, but for the reason that stock raising can not be carried on at a distance greater than 4 or 5 miles from the source of water supply. If we are able to take water a distance of 30 and 40 and 60 and 100 miles for the purposes of irrigation, requiring a hundred or thousand times greater quantity than it would require for the purpose of supplying little watering places for the use of stock here and there scattered



over that Territory, then certainly we can conceive of a method by which we can graze stock even in that Territory at a distance of more than 5 miles from running streams.

But in addition to that, if I am correctly informed, there are in the uplands pools of water formed by the melting of snows on the mountains and flowing down short distances, and forming here and there in the low places over the uplands pools, not running streams, which have been utilized for stock-raising purposes. There is a wonderful field there for the stock-raising industry which has not been developed in either of these Territories.

We have in addition to that certain statements, which I will read, from the report on the statehood bill. This is the statement of a person who, I will admit, is interested in the admission of New Mexico into the Union as a State, but, nevertheless, as he is an inhabitant of that Territory—I refer to Mr. RODEY—he certainly ought to be able to give us quite accurate information. I wish to call attention to some facts which show that this Territory is capable of carrying on a government of itself and capable of supporting one. I quote now from page 330, where he said:

The governor figures our population at the time the census was taken as about 80,000 people.

Those who were present and heard the testimony will of course recall how he arrived at that number, stating, as I believe, that it was impossible to get men to go out into the country to take the census for the amount of compensation allowed them. He continues:

We have established in New Mexico since then 75 or 80 post-offices. We now have some 363 post-offices in the Territory. We have built eight or nine hundred miles of railroad in the last two years or a little over, and with the consequent influx of population we surely now have the population we claim. There has been a further influx of population on account of mining and for other reasons, until I am satisfied to-day that while the census only gives us 195,510 people, we have actually nearer 400,000; and we surely have between three hundred and thirty and three hundred and fifty thousand people in New Mexico, without any question whatever.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. With pleasure.

Mr. BEVERIDGE. I did not catch the name of the witness from whom the Senator reads.

Mr. McCUMBER. I read from the testimony of Mr. RODEY, the Delegate from that Territory.

Mr. BEVERIDGE. What estimate of the present population of New Mexico does he make?

Mr. McCUMBER. He claims that it is between three hundred and thirty and three hundred and fifty thousand at the present time.

Mr. BEVERIDGE. Does the Senator accept that?

Mr. McCUMBER. I think I am as well justified in accepting his statement—that of a gentleman who has lived there for the last fifteen or twenty years—as I am in accepting statements from other sources, especially as he knows the immigration that has poured into that Territory since the last census, and he undoubtedly knows the condition of the Territory in other respects. But I would say to the Senator that I am perfectly willing to take as the basis of this argument the population as given by the census of 1900. I have already quoted the number.

Delegate RODEY continues:

The school census for the last year, which has just come in, shows that there are about 70,000 children of school age. Those statistics prove conclusively that the census as to New Mexico is wrong.

I have here a small statement, which I will submit to the stenographer, showing the taxable property.

Omitting that and going on with his further statement, he said:

We have in New Mexico 122,510 square miles of area, or nearly 80,000,000 acres. Between fifty-five and sixty million acres of that is still public domain. About twenty-five millions of it is private property, that will be subject to taxation when we become a State. It is calculated conservatively—I have been over it time and again and know whereof I speak—that we have between two hundred and fifty and three hundred million dollars' worth of property that will be subject to taxation when we become a State. A tax of 1 per cent levied upon that would bring in from two and a half to three million of dollars per annum, so that we could in our constitution, for the first twenty years of our State life, limit our taxation to 1 per cent. We only require now about \$1,200,000 per annum to pay all our fixed charges and all the running expenses of the Territorial government.

New constitutions always economize. Therefore it can be truly said that were we inclined to extreme economy we might even limit our taxation to one-half of 1 per cent for the first ten or twenty years of our State life and then have the lowest-taxed community in the United States of America.

Here is an important feature:

Mr. RODEY. We have Territorial, municipal, county, school, and road taxes now, the same as anywhere else. We pay the largest school taxes, I believe, of any Territory or State in the Union. Our tax collected for school purposes last year amounted to a little more than a million of dollars, one-half of which was paid in teachers' wages.

A little more than a million dollars paid for school purposes alone in that Territory, and yet it is said that it has not sufficient taxable property so that it may become one of the States of the Union.

We have a fine capitol building; we have a penitentiary building; we have an insane asylum; we have an agricultural college; we have a university; we

have two normal universities, and we have from ten to fifteen cities, modern, up-to-date places, with from one to five fine brick schoolhouses in each of them, costing, as in my own town, for instance, \$30,000 and \$40,000 apiece.

Now, in reference to the population again, taking another estimate, he says:

At the election at which I was elected the lists showed a registration of within a few hundred of 60,000 voters—a great many in that large area; for recollect the area of New Mexico only lacks a few hundred square miles of being as great as the combined area of New York, New Jersey, and all of the New England States.

Ordinarily we estimate population at about five for each voter. It may be that in the Western country, where the male population undoubtedly is greatly in excess, we can not estimate it at so high a number. It is safe to say, however, that there are 250,000 people there. Further on he says:

The condition of everything in New Mexico is improving vastly—so fast, in fact, that its people confess that in all its history it never made such rapid progress as it has during the last two or three years.

We want to come into the Union. We have been asking for admission for so many years that we think no argument ought to be made against it. Our population now is three times that of Wyoming, eight times that of Nevada, twice that of Idaho, and is almost equal to that of Vermont. It is nearly twice that of Delaware. The population argument cuts no figure.

And if Delaware and some other States, as I have stated, can carry on a government with their population, I do not know why a Territory with two or three or four times the population could not with equal propriety conduct a State government.

Let us consider for a moment, Mr. President, the coal fields in the northern part of this Territory. I am informed that the northern half of this Territory contains hundreds of thousands of acres of fine coal lands to be developed.

Mr. QUARLES. What Territory?

Mr. McCUMBER. New Mexico. I do not know to what extent it has been developed; but I understand from the best of sources that coal is found all over the northern half of the Territory; and considering that that is one of the great industries of the United States, I can imagine that when it is developed for the use of the growing population of the western section of the country it will support of itself an immense population, and that the entire northern part of the Territory may become in the future, say in the course of twenty-five or thirty or forty years, a great hive of industry.

Let us look upon this map, viewed so often by the Senator from Minnesota. We can scarcely, with the naked eye, find Delaware upon the map. We can place perhaps something less than a hundred Delawares within the boundaries of the present Territory of New Mexico. We could make very many such States out of the Territory of New Mexico at the present time, and perhaps within thirty or forty years we could make twenty or thirty of them in population from the same Territory.

But, Mr. President, what are we going to do with this Territory? We have here, as will be seen by observing the map, two Territories great in area—New Mexico and Arizona. Because of their enormous extent no one would think of uniting them into one single State. We can not add them to the State of Nevada. We have no power to do that. We can not attach them to any of the States West or East. We could scarcely attach them to this little handle of Oklahoma.

Then, if we can not, what are we going to do with them in the future if the proposition of the Senate committee is absolutely correct? I think the conclusion would be that they would never have a population sufficient to keep up with the increasing population of the balance of the States and which would justify their being taken into the Union at any future time, because in ten or fifteen or twenty or thirty or fifty years we would require a Territory to have ten or fifteen or twenty times their present population in order to be admitted into the Union of States.

Now, what will we do with this vast Territory? What will we do with it in the interim? We can not very well make it into one State; it covers too much area for that. It seems to me we can justly and appropriately make it into two States to-day, and that there is a population there sufficient at the present time to estimate conclusively a greater population in the future and enough to make it a good respectable State.

Mr. President, the committee tell us that a certain percentage of the people of New Mexico are illiterate. They say that the Territory has a population of 195,000, and that 32.2 per cent neither read nor write any language. That would make 64,842 persons who can neither read nor write. That is bad, to be sure. There is no one who would not wish we could have a better condition than that in any of our States. But all of these people are and for fifty years have been a part of this nation. That is an important feature.

To be sure, they might, in a sense, while in a Territorial condition, be regarded as wards, but for all intents and purposes we regard them as a part of our body politic. They make up a portion of the great mass of humanity which we claim as the population of the United States. When we speak of the population of the United States in the last census, we invariably include the Territories south of British America, as we include the District of Columbia.

So they are already here—a part of us. What injury will therefore follow to the Government if we change their organic act into a constitution; if, instead of giving them a governor, they make their own selection; if, instead of sending them judges, they elect their own attorneys as judges? Is there any danger to ourselves as a nation in making this change? If not, will the interests of our people, these people, these illiterates, be best subserved by continuing their Territorial form of government?

The Senator from Minnesota suggested that we should keep them in this training school of Territorialism for a number of years longer, until the people cease to be illiterate and until they understand the English language and speak it more thoroughly. I want to ask the Senator in all candor if he does not think that fifty years of this training school is about long enough and, if we find that fifty years of Territorial training is insufficient to bring about the desired results, whether it is not about time that we adopt some other system of training? Bring them into the Union, and self-interest may bring about a more favorable result.

But besides this, if they are to be admitted as a State, they can themselves determine the extent of franchise. It is not necessary that they give the illiterate the right of franchise. They may exclude them if they think it best for the interest of the State so to do and they have enough of those who are not illiterate, so that they can attend to the balance of the population.

If it were simply a question of taking in a new population from foreign lands, it would be a different proposition, but this is a question of a form of government for our own people. I lived in a Territory for some years. I know some of the hardships of Territorial life. I know that the conditions are changed and our Territories are treated better to-day by the Congress of the United States than they were a few years ago. I remember when all our courts were imported, and I remember practicing law before such judges. I call to my mind to-day an incident which shows the character of some of the judges under whom we were compelled to try our cases.

I recall being the prosecutor in a certain character of case against a railroad corporation in the Territory, and the judge came there from a neighboring city to hold the court. He desired very much to get back to his home town, and I desired very much before the court adjourned to go on with the trial of my case. At last he came to me and said: "I have been talking with Mr. —, who represents the attorney for the defendant, and he tells me that you have not any case, and I do not see why it is necessary, therefore, for me to continue the court any longer, as I am desirous of going back and holding court at another place." This gives us a little idea of some of the courts which were forced upon the Territory of Dakota when it was in a Territorial condition.

Mr. BEVERIDGE. Mr. President—

Mr. McCUMBER. I admit that such conditions probably do not exist to-day.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. With pleasure.

Mr. BEVERIDGE. I think the Senator's last sentence, perhaps, has answered the question which possibly the Senator anticipated when he saw me rise, which was, whether or not he attributes to either of these Territories to-day the condition he has graphically narrated with relation to his own State when it was a Territory?

Mr. McCUMBER. Before I made the statement I stated, and if the Senator had been listening he would have heard it—

Mr. BEVERIDGE. I did listen.

Mr. McCUMBER. I stated that I did not think the Territories were treated exactly the same to-day by the Congress of the United States as they were a few years ago. If he had understood that, he probably would not have asked the question.

Mr. BEVERIDGE. No; but perhaps I would have made the comment which I now make, that if that is true the pertinency of the graphic illustration of the Senator loses its force; because if it relates to a condition which existed formerly in Territories and which he admits does not prevail to-day, where is the argument to be drawn from his statement? He admits that the very thing of which he complains has passed away.

Mr. McCUMBER. I shall not for one moment admit that it does not apply to a very great extent.

Mr. BEVERIDGE. That being true, there was then some force in the question I asked the Senator, because I was going to ask the Senator whether he had observed in the testimony the high tribute paid by all the witnesses to the quality of the Federal judiciary in these Territories, both as to character and ability.

Mr. McCUMBER. Oh, Mr. President, I will not for a moment be diverted to the consideration of the present judiciary in those Territories.

Mr. BEVERIDGE. I understood the Senator to be discussing—

Mr. McCUMBER. That is not germane to the proposition I was making, and I certainly can not understand that it has the slightest reference to it.

Mr. BEVERIDGE. I do not myself think it has; but since the Senator was making an argument—

Mr. McCUMBER. I was speaking more particularly of the form of government and the right the people in the Territories have to select their own judiciary and to select men with whom they are acquainted.

Mr. BEVERIDGE. And the Senator—

Mr. McCUMBER. And I say—and the Senator will bear me out well—that politics and friendship very often play a most effective rôle in making the selections and in making representations for the selection of the judiciary and of other officers in the Territories. I believe, and I think the Senator will bear me out, that taking the decisions of our courts in the several Territories in earlier days and comparing them with the decisions of the courts when made up of representatives of Territories, the first decisions will scarcely compare favorably with the latter.

Mr. BEVERIDGE. Since the Senator appeals to me to bear him out, I will say that it is my opinion, inasmuch as the Senator so kindly asks it, that politics and the favor of politicians do not play so great a part in the appointment of Federal judges in the Territories and in the litigation which they have before them as they do where judges are elected; and it is for this very reason that a large and growing sentiment of the most thoughtful in this country has constantly agitated in favor of the appointment of judges, and that for long terms or for life. I want to say before I close—

Mr. McCUMBER. I desire to answer the Senator right here and say that my own experience and observation do not lead me to conform to his views.

Mr. BEVERIDGE. No; because, as the Senator well says, he lived in a Territory under the old Territorial practice. It is not the system, because the system is the same, but a practice, which he admits has passed away. I did not mean to interrupt the Senator. I do not care to divert the course of the Senator's remarks.

Mr. McCUMBER. I am very glad to be interrupted.

Mr. BEVERIDGE. But I merely wished to say that if there is any objection to the system, it must be because of the evils which that system entails upon the people; and he himself recognized that by citing an instance of the evils that had been entailed upon the people of his own State when it was a Territory. So it was pertinent for me to call attention to the high quality of the Federal judiciary of these Territories as respects character and ability and learning.

Mr. McCUMBER. If I were called upon to pay tribute to the judiciary of those Territories, I probably would try to equal the eloquent words of the Senator from Indiana in reference to them; but that is not the subject of discussion here. I might cite to the Senator, if he wished to look into that matter a little further, another condition relative to the judiciary as it existed but a few years ago in these Territories, and I am not certain whether or not it has been changed since. We had Territorial supreme courts. The Territorial supreme court in my own Territory, I remember, was composed of the several judges who were members of the inferior courts, and so an appeal was always taken from a decision of a judge for his own decision again, sitting in another place. It was only under extraordinary circumstances that they ever reversed themselves.

Mr. BEVERIDGE. That system has been changed. The judge who decided the case at nisi prius no longer sits with the court who reviews his opinion; his associates sit. That is true also of the United States court of appeals.

Mr. McCUMBER. But this is only one out of hundreds of instances which can be given.

Mr. President, it is said these people of New Mexico speak the old Spanish language. I admit that the great majority of them do, but it is because they are isolated and segregated. Why, there are whole counties in several of the Western States, in the agricultural States, where almost nothing but German or Scandinavian is spoken. Not only that, we take into this country every year a class of people who do not speak English several times the population of the non-English-speaking inhabitants of New Mexico, and we do assimilate them. If we can do that, can we not assimilate the 65,000 of illiterate people in the Territory of New Mexico? What do we lose by taking this Territory into the Union as a State?

What have we lost by the admission of Wyoming, with not near the same population, or Idaho, or Nevada even? It certainly will not be assumed that the personnel of the Senate has been lowered, either in intelligence or character or patriotism. The representation of Wyoming, Idaho, and Nevada, with their small populations, negative even an intimation of this character. The present representation from these Territories show not alone the good judgment of the people of these States, but also of Congress



in admitting them as States. Then, too, these States determine, as I have stated, the franchise right of their own citizens, and they can determine what voice an illiterate shall have in the form of the government or in the laws.

From another point of view: What weight should be given the question of illiteracy? Estimating at 33.3 per cent, the actual number of illiterates in the Territory of New Mexico, as I have stated, would be 64,842. We therefore must assimilate 64,842 persons whose whole lives have been spent in this country and who must have unconsciously absorbed some American ideas of government and civilization. Now, if their illiteracy is by the committee regarded as objectionable, as dangerous to the mental and moral health of the people, that this will be poison to the body politic, what can we say of our ability to absorb, without serious detriment, ten times as many in the last eight years?

In the year 1902 we allowed to become a part of our body politic 165,350 people, all illiterates by their own admission, and probably in truth about twice as many, as we have no means of determining the verity of their statements. In the last eight years we have admitted—and whether they have been fully assimilated I am unable to say—660,654 illiterates. Italy furnished us last year 79,400 illiterates, or 42 per cent of her entire immigration.

South Italy, from whom most of these immigrants came, gave us 49 per cent of illiterates. In the last eight years Italy has given us 307,700 illiterates, and, as I have suggested, in all probability twice that number. Austria in the same time has given us 165,350 illiterates, or 26 per cent of her entire immigration. I submit herewith a table showing the total immigration to the United States and the total immigration from Italy and Austria from 1895 to 1902, showing per cent of illiteracy:

Total immigration to the United States.

Year.	Immigrants.	Illiterates.	Per cent.
1895	258,536	44,914	20
1896	343,267	83,196	25
1897	230,832	44,580	20
1898	229,299	44,473	20
1899	311,715	61,468	20
1900	448,512	95,673	21
1901	487,918	120,645	25
1902	648,743	165,705	26
Total	2,958,822	660,654	23

Illiteracy of immigrants from Italy and Austria.  
ITALY.

Year.	Immigrants.	Illiterates.	Per cent.
1895	35,427	15,450	43
1896	68,060	31,400	49
1897	59,431	24,300	42
1898	58,613	24,550	42
1899	77,419	31,700	41
1900	100,135	39,700	40
1901	135,996	61,200	45
1902	178,375	79,400	42
Total	713,456	307,700	44

Austria shows up in almost the same ratio.

AUSTRIA.

Year.	Immigrants.	Illiterates.	Per cent.
1895	33,401	10,150	33
1896	65,103	25,700	45
1897	33,031	7,800	25
1898	39,797	8,450	21
1899	62,491	12,500	20
1900	114,847	27,755	24
1901	113,390	28,500	25
1902	171,989	44,500	26
Total	634,049	165,350	26

It seems to me idle to make as a basis the question of illiteracy of 60,000 or 65,000 people in the interior of the country, not in the great cities but upon our farms and in the agricultural and sheep-raising sections of the country, while at the same time we do not the slightest thing to prevent ten or fifteen or twenty times the number of illiterates from coming in every decade.

Now, these people who can neither read nor write nor speak English, who come from a country where they are denied practically all franchise, who have never inherited the principles of self-governing character, all come to this country, and in six months they may declare their intention of becoming citizens, and in some of the States, as I am informed, may exercise the elective franchise after having declared their intention, exercising all the rights and privileges of the most intelligent and Americanized of our people.

If illiteracy should be the basis upon which we were to lay all objections to foreign immigration, we would let all of the Chinese in and keep one-third of southern Europe out.

As a matter of fact, the desirability or undesirability of a people or of immigration depends upon race and not upon mere ability to read or write.

For my own part, Mr. President, I do not think that I underestimate the intelligence of this class of people from southern Europe—Italy, Sicily, and Roumania—by believing that the people of New Mexico, described in the report of the committee as being of Mexican and Spanish blood, measure up to them in all respects of desirability as American citizens.

Mr. President, I have taken up a little more time already than I expected to take in this discussion. It seems to me that even after the exhaustive argument of the Senator from Minnesota [Mr. NELSON] he has shown in no respect how these people will be injured by taking them into the Union. He has not shown that they are incapable of supporting a State government. He has not, in my opinion, demonstrated the fact that they will not have either population or industries sufficient to justify constituting them into the several States as provided by the House bill.

Above all, I fail to see that he has shown that the nation itself will be injured in any way by granting them the rights of citizens of the great United States. On the contrary, Mr. President, it seems to me almost conclusive, even by the report that is made of the hearings of this committee, that these people are capable of establishing and maintaining a good, stable government. From the standpoint on which I have made this argument, that of securing a proper representation of every industry coextensive with its importance, I certainly can see no objection to adding to the number of Representatives west of the Mississippi River.

Mr. FORAKER. Mr. President—

Mr. QUARLES. Will the Senator from Ohio yield to me for a moment to make an announcement?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. The Senator from Wisconsin wants me to yield in order that he may make an announcement. I took the floor only that I might make an announcement.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. FORAKER. The Senator from North Dakota who has just concluded his speech has occupied so much more time than I supposed he would when I yielded to him that I have concluded, at the request of some other Senators, and in deference to other business, to postpone taking up this bill for discussion until to-morrow. I ask, if it be necessary, that I may have the floor to-morrow at the conclusion of the morning business, in order that I may make some remarks in support of the statehood bill, and I give notice that if I get the floor I will not yield to anybody else.

Mr. SPOONER. Not even for a question?

Mr. FORAKER. I might yield for a question, but I am sure I would not yield the floor unless for something that was very urgent.

Mr. BEVERIDGE. The Senator from South Carolina [Mr. TILMAN] is not here. I guess that the Senator's request does not interfere with the statement of the Senator from South Carolina that he had the floor and expected to go on to-morrow morning. I should be very glad to have the Senator do so, only I thought in fairness to the Senator from South Carolina that should be understood.

Mr. FORAKER. I do not know what the understanding is as to the Senator from South Carolina.

Mr. BEVERIDGE. He gave notice.

Mr. FORAKER. Has he some right to the floor in the morning?

Mr. BEVERIDGE. Yes; he gave notice. He did not finish his speech this morning.

Mr. FORAKER. I gave notice two or three days ago that I would speak this morning at the conclusion of the morning business, but when the conclusion of the morning business came somebody else seemed to have the floor, and I waited until 2 o'clock.

Mr. BEVERIDGE. I think the Senator from South Carolina gave notice that he was the unfinished business for to-morrow morning. He used about those words.

Mr. FAIRBANKS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FAIRBANKS. There is no confusion about it. The Senator from South Carolina gave notice that he would speak to the measure before the Senate in the morning hour, and the Senator from Ohio gives notice that he will speak at the conclusion of the morning hour, as I understand it.

Mr. FORAKER. Certainly; if the Senator from South Carolina speaks during the morning hour he has a perfect right to it.

Mr. BEVERIDGE. Then the Senator from Ohio will speak to-morrow at 2 o'clock or earlier?

Mr. FORAKER. I want to speak to-morrow morning as soon as I can.

Mr. BEVERIDGE. I am anxious that you should.

Mr. QUARLES. I should like to inquire from the Senator from Ohio whether it would be inconsistent with his suggestion or plan that we should take up the militia bill to-morrow morning immediately after the routine business?

Mr. FORAKER. I suggest to the Senator from Wisconsin to take up the militia bill now.

Mr. QUARLES. The only objection to that is that there is such a thin Senate here I fear it might subject us to criticisms. However, we could call in Senators by suggesting the absence of a quorum.

Mr. BACON. I was going to say, with the permission of the Senator from Wisconsin, that there has been such a coming together of parties who have differed upon the militia bill that I do not think there is any danger of the criticism which he suggests, and if he will follow out the suggestion which he has just made and call for a quorum, I am quite sure there will be enough present to warrant the action of the Senate upon the bill at this time. I do not think that there will be any discussion. I can not speak for anybody except for myself further than to say that the changes which have been made in the bill and which will be proposed by the Senator from Wisconsin, representing the committee, are such as I know meet the concurrence of those with whom I have heretofore been acting in opposition to a certain part of the bill. I believe everyone who has been acting in opposition to that particular part of it will be satisfied with what the Senator from Wisconsin is himself going to propose.

I recall the fact that when this bill was first brought before the Senate, the Senator from Vermont [Mr. PROCTOR] who was then in charge of the bill, and who is now unfortunately detained by sickness from the Chamber, mentioned a fact which makes it important that no day should be lost, if the bill can be passed, and that is that the action of the State legislatures is important and those legislatures are now in session.

There being, in the shape which is going to be given to the bill, no objection to it, but on the contrary, as I think, it will have the very hearty support of all of us, I see no reason why we should not proceed with it this afternoon, especially as there seems to be an interval now which may not be found to-morrow.

Mr. QUARLES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Hoar,	Quarles,
Alger,	Cullom,	Jones, Ark.	Quay,
Allison,	Depew,	Kean,	Scott,
Bacon,	Dillingham,	Kittredge,	Simmons,
Bate,	Dolliver,	Lodge,	Simon,
Berry,	Dubois,	McComas,	Spooner,
Beveridge,	Elkins,	McCumber,	Stewart,
Blackburn,	Fairbanks,	Martin,	Taliaferro,
Burnham,	Foraker,	Mitchell,	Vest,
Carmack,	Foster, La.	Perkins,	Wetmore.
Clapp,	Foster, Wash.	Pettus,	
Clark, Wyo.	Frye,	Platt, Conn.	
Clay,	Hanna,	Platt, N. Y.	

Mr. DILLINGHAM. I desire to announce that my colleague [Mr. PROCTOR] is detained by illness from the Senate.

Mr. QUAY. I wish to mention in behalf of my colleague [Mr. PENROSE] that he is necessarily absent from the city.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. There is a quorum present.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 16649) to provide rebate of duties on coal; in which it requested the concurrence of the Senate.

#### REBATE OF DUTIES ON COAL.

Mr. ALDRICH. I ask that the bill just received from the House may be laid before the Senate.

The bill (H. R. 16649) to provide rebate of duties on coal was read twice by its title, and referred to the Committee on Finance.

Mr. ALDRICH. I wish to give notice that the committee will probably report this bill back within a very few minutes. I give this notice with a view that Senators who are interested in the matter may be present in the Chamber when it is considered. I shall ask the Senate then to consider it.

#### STATEHOOD BILL.

Mr. QUARLES. I ask that the bill known as the militia bill may now be taken up for consideration.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill known as the militia bill. Is there objection?

Mr. QUAY. I have no objection to that course, as there seems

to be no one prepared to take the floor this afternoon upon the pending order of business, unless it is possible to have a vote. I desire to say to the Senator who is leading the Committee on Territories in opposition to the bill that the friends of the pending bill are ready to vote now. I would be glad to know what he has to say to the proposition.

Mr. BEVERIDGE. I did not hear the Senator. I was engaged in conversation.

Mr. QUAY. I propose to take a vote on the statehood bill.

Mr. BEVERIDGE. When?

Mr. QUAY. Now.

Mr. BEVERIDGE. I do not know how the Senator is going to do that in view of the notice given by his chief orator that he was going to proceed upon the bill to-morrow.

Mr. QUAY. I have no doubt the Senator from Ohio [Mr. FORAKER] will withdraw his notice if it would be any accommodation to the delicacy of the Senator from Indiana.

Mr. BEVERIDGE. I could not for a moment be so discourteous to the Senator from Ohio as to agree to the request of the Senator from Pennsylvania.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin?

Mr. QUAY. I object unless there is a distinct understanding that it does not interfere with the pending order.

The PRESIDENT pro tempore. That is distinctly understood, and it was so stated by the Chair.

Mr. QUAY. And the understanding is that a vote is refused?

Mr. BEVERIDGE. I do not know what the understanding of the Senator is.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the militia bill is before the Senate.

Mr. ALDRICH. Before the Senator from Wisconsin proceeds I hope he will allow me to make a privileged report from the Committee on Finance.

The PRESIDENT pro tempore. The Senator from Rhode Island.

#### REBATE OF DUTIES ON COAL.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 16649) to provide rebate of duties on coal, to report it back favorably with an amendment. I ask that the bill and the amendment of the committee may be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and required to make full rebate of duties imposed by law on all coal of every form and description imported into the United States from foreign countries for the period of one year from and after the passage of this act.

Mr. ALDRICH. The committee report an amendment.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to add as an additional section the following:

SEC. 2. That the provisions of paragraph 415 of the tariff act of July 24, 1897, shall not hereafter be construed to authorize the imposition of any duty upon anthracite coal.

Mr. ALDRICH. Mr. President, the report of the committee upon this subject is unanimous, both upon the original bill and upon the amendment, and I ask that the bill be now considered.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of this bill. Is there objection?

Mr. VEST. Mr. President, I simply rise for myself, and I think I represent the unanimous opinion of Democratic Senators here, to express a desire that the bill and amendment may be considered at once, and may be passed without a single vote against it.

Mr. LODGE. I merely desire to say, Mr. President, that it has been my intention to offer an amendment to this bill for the admission of coal free of duty from such countries as admit or shall hereafter admit our coal free; but I am not willing in any way to delay the passage of this bill. I do not wish to offer anything that will give rise to debate, and I am aware that if I offer such an amendment as the one I refer to—in which I strongly believe—it would open the door to other amendments as well as to much debate. This I am unwilling to do after the statement made by the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Missouri [Mr. VEST], and because this is an emergency bill of urgent importance, especially so since the amendment which the Committee on Finance has adopted, I therefore shall not offer my amendment.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate, as in Committee of the Whole, and open to



amendment. The Committee on Finance have reported an amendment, which will be stated.

The SECRETARY. It is proposed to add, as section 2, the following:

SEC. 2. That the provisions of paragraph 415 of the tariff act of July 24, 1897, shall not hereafter be construed to authorize the imposition of any duty upon anthracite coal.

The PRESIDENT pro tempore. The question is on the amendment reported by the Committee on Finance.

The amendment was agreed to.

Mr. LODGE. I should like to ask the chairman of the Finance Committee what will be the effect of this amendment in regard to coal imported and in bond?

Mr. ALDRICH. Under the provisions of the act which was passed recently in regard to the tea duty all coal in bond would undoubtedly be admitted under the terms of this bill and not under the law as it before existed with regard to coal.

Mr. McCOMAS. I should like to ask the Senator from Rhode Island, the chairman of the Committee on Finance, if that be the fact in respect to coal in bond, what would it be in respect of the coal duty paid at the several ports on like coal on which no duty was charged at other ports? Has any provision been made for a rebate of such duty?

Mr. ALDRICH. Not by this bill. That is a matter which will be covered later.

Mr. McCOMAS. But later it will be considered?

Mr. ALDRICH. Unquestionably; and the persons who paid duties would have an equitable claim anyway against the Government.

Mr. McCOMAS. That satisfies me.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. ALDRICH, the title was amended so as to read: "A bill to provide rebate of duties on coal, and for other purposes."

#### EFFICIENCY OF THE MILITIA.

Mr. QUARLES. I now renew my request for unanimous consent for the consideration of the bill to promote the efficiency of the militia, and for other purposes.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill named by him. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

Mr. QUARLES. On behalf of the Committee on Military Affairs, I desire to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, on page 1, line 8, before the word "classes," it is proposed to strike out the word "three" and insert "two."

The PRESIDENT pro tempore. The Chair will state that there is a pending amendment, which was offered by the Senator from Alabama [Mr. PETTUS].

Mr. QUARLES. I will say that the amendment proposed by the Senator from Alabama will be included in the committee amendments to be presented very soon.

The PRESIDENT pro tempore. But the amendment is pending, and the Chair is compelled to recognize the fact that it is pending. The Senator from Alabama can withdraw the amendment temporarily, if he pleases.

Mr. PETTUS. If it is a matter of precedence I will withdraw my amendment temporarily.

The PRESIDENT pro tempore. The Senator from Alabama temporarily withdraws his amendment. The amendment offered by the Senator from Wisconsin [Mr. QUARLES] will be again stated.

The SECRETARY. In section 1, page 1, line 8, before the word "classes," it is proposed to strike out "three" and insert "two." The amendment was agreed to.

Mr. BATE. I should like to ask the Senator if that is one of the amendments that was agreed to this morning in committee? I was not present at the time, though invited to attend.

Mr. QUARLES. Certainly it is. I now offer a second amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, on page 2, line 1, it is proposed to strike out the words "the National Volunteer Reserve as provided by this act."

The amendment was agreed to.

Mr. QUARLES. I now offer a third amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 22, on page 12, line 22, after the

word "militia," it is proposed to strike out "or of the National Volunteer Reserve."

The amendment was agreed to.

Mr. QUARLES. I now offer a fourth amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 23, on page 14, line 12, it is proposed to strike out the word "the," where it occurs immediately after the word "constitute," and insert the word "an."

The amendment was agreed to.

Mr. QUARLES. Now, Mr. President, I offer a fifth amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 23, on page 14, in line 18, after the words "United States," it is proposed to insert "other than the Military Academy at West Point."

The amendment was agreed to.

Mr. QUARLES. I now offer a sixth amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of the section numbered 24.

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. QUARLES. There are two pending amendments, Mr. President, one introduced by the Senator from Indiana [Mr. BEVERIDGE] and the other by the Senator from Mississippi [Mr. McLAURIN].

Mr. BEVERIDGE. Mr. President, I offer the amendment heretofore introduced by myself, with a change in the form in which it is printed by striking out the word "church" wherever it appears and inserting "religious organization." I do that in view of the suggestion of the senior Senator from Massachusetts [Mr. HOAR] that it would more accurately meet the situation. I offer it as it is there now, with those words stricken out and the other words written in.

The PRESIDENT pro tempore. The amendment as modified by the Senator from Indiana will be stated.

The SECRETARY. It is proposed to add as a proviso to the second section of the bill the following:

*Provided, That nothing in this act shall be construed to require or compel any member of any religious organization whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.*

Mr. BEVERIDGE. Mr. President, this amendment I offer to cover two or three well-known religious organizations in the United States—particularly the Quakers and the Dunkards. It is well known that it is one of the fundamental tenets of their creed that war in any form is murder, and that they are conscientiously opposed to participating therein. The point will be made—and perhaps with some weight, too—that in this bill as it now stands amended, with section 24 stricken out, my amendment is not necessary; nevertheless, Mr. President, it certainly can do, and it will be admitted that it can do, no harm.

While I myself am not in favor of loading a bill with unnecessary provisions, yet I think it is perfectly right that when a great and weighty and intelligent body of our fellow-citizens—and there are no more intelligent or worthy citizens of this United States than those known as the Quakers—ask for a thing of this kind in a bill like this, it should be granted. Certainly, if it be their opinion that when they go to war they are participating in a species of murder, they should not be forced to do so. Therefore upon that hypothesis the amendment should be adopted. If, on the contrary, it does not compel them to do so, then the amendment can do no harm. In either event, it would be without injury, meeting the wishes of one of the very large and one of the very best elements of the citizenship of this Republic.

I hope the amendment will be accepted; and if it is not accepted, of course I shall want a vote upon it.

Mr. BATE. Mr. President, if I understand the purport of this whole bill, it does not force anybody into the military service.

Mr. BEVERIDGE. No.

Mr. BATE. This bill, as I understand it, does not compel anyone, whatever may be his age or his religious faith, to go into the military service. If I thought it did, I would be against this bill. I do not think so, but nevertheless I do not care to make objection to the amendment offered by the Senator from Indiana. I think that we have precedents on that sort of legislation. I believe it is not an innovation upon existing legislation in regard to the militia. Certainly some of the States have so legislated. I think those sects having religious scruples against military service are generally excepted, and ought to be when no constitutional objection intervenes. I do not make any point about that, however, because I do not understand from this bill that there is anything

which constrains or forces anyone, even a militiaman, to go into the Army.

Mr. BEVERIDGE. No; the Senator is right about that.

Mr. QUARLES. Mr. President, I certainly hope that the amendment will not be adopted, because it is absolutely unnecessary and is not germane, and would constitute defective legislation. There is nothing compulsory connected with the militia system; but the organization of the militia is left entirely to the States. Each State can regulate for itself the membership of the militia. We do not assume to do that here at all. In none of the States is there any provision that is at all coercive. The membership of the militia in every State is purely voluntary. I can not see why we ought to attach to the bill this clause, wholly unnecessary and impertinent as it is, no matter how worthy the people may be to whom the amendment refers.

Mr. BATE. Mr. President, I desire to say in this connection that I should not favor this bill if the twenty-fourth section had remained in it. Other amendments, I believe, have been made in conformity with the striking out of the twenty-fourth section, removing the objectionable features and relieving the question of doubtful constitutionality. Congress can go no further in organizing and governing the militia in a State or dealing with it in any way except as authority is expressly given in the Constitution in Article I and section 8, and it requires that the officers of the militia be appointed by the States, which is, in my opinion, the redeeming feature of this bill.

There are many things now in the bill which I do not approve, but I see the necessity for something of the kind in our country, and as the National Guards have generally done well I waive my objections and shall vote for this bill as amended.

As to the pending amendment, I think it is germane, and that the Senator from Wisconsin is mistaken as to that. Like him, I do not see the necessity for the amendment, but I do not desire to throw obstacles in the way of its adoption, as it can do no mischief and will be a relief to such harmless and law-abiding citizens as Quakers and Dunkards.

Mr. BEVERIDGE. There is a further consideration with reference to this amendment, a consideration entertained in the minds of this very large and very respectable body of our fellow-citizens. They intend to present their opinions to the various State legislatures when the question of militia legislation comes up, and there is a very distinct fear upon their part that this bill, having the scope that it has, will have influence upon State legislation, and that this amendment will take off that influence from the State legislatures and leave them perfectly free.

Mr. President, I will not argue with the Senator whether or not that fear and apprehension is well founded. I state merely that it is worthy of note and not to be neglected when it comes from a body of citizens as large and as singularly intelligent as are the Quakers, the Dunkards, and other people like them in the United States. They are a people who read, a people who think, and a people who constitute a very valuable element of our citizenship. Therefore I say that their opinions upon a subject of this kind are in themselves entitled to consideration and weight.

Since it is admitted on all hands that the amendment presented here can do no possible harm, and since the only objection urged against it is that perhaps it is surplusage, I do not see why it is that there is any objection to giving our concurrence to the clearly defined objection of this very large and exceedingly and unusually intelligent body of our fellow-citizens that they would be injured, both directly and indirectly, by the bill as it now stands.

I have nothing further to say upon the amendment, though I shall surely call for a vote upon it if it be not accepted by the committee.

Mr. HOAR. Mr. President, it seems to me that the Senator from Wisconsin does not give quite sufficient force to the language of the bill. I make the suggestion to him with great deference, because I am not, myself, as familiar with it as I ought to be before undertaking to discuss it, for my attention has been called to other matters which are pending. But, if I understand it, the first section of the bill describes who are to be the militia:

Every able-bodied male citizen of the respective States, Territories, and the District of Columbia, etc.

All of those are now members of the militia by law. Whether a man so desires or not, it is proposed to make him a soldier by the law—the word “militia” means “soldiers,” as I understand it—and without exception, if a man be within the two ages named in the bill, unless he be under the age of 18 or over the other limit, which is 45 years, he is a member of the militia. So a Quaker, who is conscientiously opposed to war, is made by law a soldier against his will. It seems to me we should not do that unless we wish to constrain a man against his conscience.

Besides that, the second section provides that certain persons shall be exempt from military service. You do not refrain from making that exemption by the fact that nobody is called upon for military duty, unless he has a mind to enter the service. The

section exempts various executive and judicial officers, persons in the military and naval service, custom-house officers, clerks, postmasters, persons employed in the transportation of the mail, and other public officers. It also exempts members of the two Houses of Congress. Why should we not put in the provision offered by the Senator from Indiana? We put in all the other cases of the men defined by the lawmaking power as persons who ought to be exempted.

It does seem to me that the amendment of the Senator from Indiana is germane and that it is proper, unless we mean to make by law all these men soldiers against their conscience.

Mr. QUARLES. Mr. President, the first clause of the bill, to which the distinguished Senator has referred, has not been at all changed. That is not new phraseology in this bill. It is the exact phraseology used in the original act of 1792, which has been upon our statute book ever since. I look upon it simply as a general definition in the most broad and general sense of what shall constitute the militia.

Mr. HOAR. May I ask the Senator whether in those laws there was not some exemption of the character now proposed?

Mr. QUARLES. No; I think not.

Mr. HOAR. I have been so informed, though I am not sure.

Mr. QUARLES. I think not.

Mr. ALDRICH. Mr. President, certain intelligent Quakers in my own State have called my attention to this matter. They have told me that all the early militia acts did contain an exemption of this character, and they supposed a similar provision not being in this bill was simply an oversight on the part of the framers of it.

Mr. QUARLES. Mr. President, let us see whether we would have any jurisdiction to pass upon that question in its entirety. I suppose that the organization of the militia is a matter which pertains peculiarly to each State. It is a State force, not a Federal force until it has been called out, of course, in the manner indicated by the Constitution.

The exemptions that are contained in section 2 relate to Federal employees. We are protecting Federal employees against any act or regulation of the States which might take them away from their employment. That is clearly within our jurisdiction; but can we go beyond that? Can we dictate to the State of Massachusetts how she shall organize her own militia at home? I apprehend not, and I apprehend it will be found that the laws exempting Quakers and other religious persons, to which reference is made, are in the laws of the several States, and that they have never found any place in the Federal laws since 1792.

Mr. HOAR. May I ask the Senator from Wisconsin a question?

Mr. QUARLES. Certainly.

Mr. HOAR. If that be true, why is it that in the very first line of the bill there is a provision as to what the militia shall consist of?

Mr. QUARLES. That is simply following the old act.

Mr. HOAR. I know; but I now understand the Senator having departed from that reason is giving another; that is, that we should not make this exception because the States are to determine who shall constitute the militia, and it is not for us to do it. I ask him, then, if that be the purpose, why it is that he does undertake to determine by act of Congress who shall constitute the militia by saying that the militia shall consist of so and so, and not leave it to the States?

Mr. QUARLES. I suppose, Mr. President, that the framer of this bill took the old act as he found it on the statute book and undertook to define the two classes of militia, or the three classes, as it stood when the bill was originally introduced, following the exact language of the old law. But I will call the Senator's attention to the last part of section 2, which recognizes the power of the several States and Territories to determine the exemptions from militia duty by their own peculiar system of laws. Of course we recognize them, and have to recognize them; but it seems to me that to say that no State should incorporate into the militia a certain group of religious people, who live in the State of Indiana, for instance, would be beyond the scope of our jurisdiction. That, it seems to me, is a question purely for that State to determine in its own way.

Mr. SPOONER. Mr. President, if my colleague will permit me, the militia of the United States seems to be also the militia of the States, that is, using the word in its generic sense. In the case of *Houston v. Moore* the court had occasion to pass upon this question. They say:

So long as the militia are acting under the military jurisdiction of the State to which they belong, the powers over them are concurrent in the General and State governments. Congress has power to provide for organizing, arming, and disciplining them; and this power being unlimited, except in the two particulars of officering and training them according to the discipline to be prescribed by Congress, it may be exercised to any extent that may be deemed necessary by Congress. But as State militia, the power of the State governments to legislate on the same subject having existed prior to the formation of the Constitution, and not having been prohibited by that instrument, it



remains with the States, subordinate nevertheless to the paramount law of the General Government operating upon the same subject.

It is, however, *sui generis*. Wherever there is concurrent jurisdiction, ordinarily the jurisdiction that first attaches excludes the other; but this seems to be to give to the States power to legislate as to the militia as a State militia, but subordinate to the power of Congress to organize, arm, and all that.

The question which the Senator from Massachusetts [Mr. HOAR] puts is one which it seems to me is difficult to answer otherwise than he answered it; but Congress has power to provide for organizing, arming, etc., the militia. Does not that necessarily involve the power in Congress to say of what the militia shall consist, and does not this very bill provide what shall constitute the militia in the generic sense—the organized and the unorganized militia, every able-bodied citizen between certain ages? If Congress has not that power, would it not seem that that language is inappropriate in this bill? If Congress has the power, so that we may designate who shall constitute the militia and between what ages, does not that necessarily carry with it the jurisdiction to say who shall not be included in the militia without regard to ages?

I have not thought the amendment was one of importance. It does not make any particular difference whether it passes or does not pass, but I am not clear myself that Congress has not the power and jurisdiction to legislate upon this subject.

Mr. DEPEW. Mr. President, in reference to the last remark of the Senator from Wisconsin as to the interest there may be in this amendment, there is a very large body of Quakers in the State of New York. I have received many communications from them, and they are very much alarmed as to the effect of this bill upon their society or church. It seems to me that it is a highly proper amendment to put on this bill, so as to quiet that alarm among those very worthy and intelligent people and excellent citizens. To prevent any misuse of this exception in case of war by societies being organized merely to escape military duty, I would suggest that in line 3 of this amendment there should be inserted "at present organized and existing," so that it would read:

*Provided*, That nothing in this act shall be construed to require or compel any member of any religious organization at present organized and existing, etc.

Mr. BEVERIDGE. Mr. President, I think that is an admirable suggestion.

Mr. SPOONER. The Senator recognizes the distinction of a man being a member of a sect, and being a member of some organization within the sect. There might perhaps hereafter be Quakers who would not belong to any particular organization, and yet would belong to a sect. Would you exclude them? In other words, would the exemption be limited to them?

Mr. DEPEW. I would say for the safety of the militia it ought not to be left to the judgment of any individual citizen who wants to escape military duty to declare to the enrolling officer or to the drafting officer that his religious scruples are against fighting.

Mr. SPOONER. No, but if he joined the organization and became a Quaker, which he could not become without some action—

Mr. BEVERIDGE. He certainly could not become a Quaker without the consent of the Quakers, and he could not be a Quaker just by himself. This amendment, if the Senator will permit me, was carefully drawn with that end in view, so that some person could not come up and say "I am a Quaker," just on his own word. He has to belong to a religious organization as one of its registered members.

Mr. DEPEW. I have been familiar with the Quakers all my life, and I think there is no religious organization or society which is so rigid in the examination of those who wish to become members as is that society; nor is there a more intelligent one, and in case of war if there were a rush to join the Quakers in order to be exempt from military duty the Quakers would show a vigor and patriotism in keeping them out which would be most commendable.

Mr. SPOONER. I do not underestimate the patriotism of the Quakers. There is no more intelligent or better class of people than the Quakers. The point I suggested to the Senator was that he limits the operation of this amendment to the organizations of Quakers in existence at the time of the passage of the proposed act. Suppose a new organization of Quakers should spring up after the passage of this act?

Mr. BEVERIDGE. We exclude that by the amendment suggested by the Senator from New York.

Mr. DEPEW. The object of the amendment I propose is that in case of emergency persons could not organize religious societies in order to escape military duty.

Mr. BEVERIDGE. It says "at present existing."

Mr. SPOONER. My suggestion was that, as I understand the

amendment, it will exclude organizations of Quakers made subsequent to the passage of the act. Am I wrong about that?

Mr. DEPEW. It would.

Mr. BEVERIDGE. May I say a word?

Mr. SPOONER. Certainly.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Indiana?

Mr. DEPEW. Certainly.

Mr. BEVERIDGE. With the permission of the Senator from Wisconsin—

Mr. SPOONER. I thought when I rose that the Senator from New York had taken his seat.

Mr. DEPEW. I had.

The PRESIDENT pro tempore. Then the Chair will recognize the Senator from Wisconsin and ask that Senator if he will yield to the Senator from Indiana?

Mr. SPOONER. Always, Mr. President.

Mr. BEVERIDGE. Mr. President, I could not agree with the Senator from New York as to the organization of a new society of Quakers within the parent church. They could establish a new church in the parent sect. There is nothing to prevent that. But if a new and spurious organization of Quakers were gotten up for the express purpose of exempting cowards from participating in war, it would prevent that. However, your question was, Did it prevent any new organization of Quakers within the church?

Mr. SPOONER. Within the church?

Mr. BEVERIDGE. Certainly not; because it can extend its churches.

Mr. SPOONER. Will the Senator kindly read the amendment again?

Mr. BEVERIDGE. It does prevent any new or spurious organization.

Mr. DEPEW. I will read the whole of the amendment.

*Provided*, That nothing in this act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing, whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

Mr. SPOONER. I meant, in saying that I did not think the amendment was of any consequence, except in a sentimental way, that there is no compulsory feature in this bill, nor was there in section 24. No man under the provisions of this bill can be forced—

Mr. BEVERIDGE. In my opening and very brief remarks I said that may be so.

Mr. DEPEW. If I may be permitted, I see no harm in that exception in relieving the anxieties of these estimable people.

Mr. HOAR. Mr. President, I think there ought to be one further, and perhaps a little more comprehensive, statement made in answer to my honorable friend, the Senator from Wisconsin on my right, than what has been said already. He asks why we do not leave the matter of exemption to the States. We have said that anybody exempted by State authority should be exempt from militia duty without regard to age. That is in the bill now. I understand that the policy of the people of the United States is to secure by national authority, against the local opinion and action of the States, the fundamental rights of religious and political freedom and of commercial integrity. We prohibit the States from impairing the obligation of contracts; we prohibit the States from trying a man twice for the same offense; we prohibit the States from conducting trials except with certain securities for fair trials, and the fourteenth amendment has very much extended those provisions, so that no man can be tried by any State without due process of law.

Now, suppose a State undertakes, against the conscience of an individual, to compel him to be a member of the militia and to enter into war. I think when the United States is dealing with that subject we should by our authority exempt him, State or no State. If it should happen that some State should exist hereafter, in the far East, or the far West, or the far North, or the far South, which had a very great prejudice against Quakers, and a war came up, and their opposition to war excited the popular feeling of the majority in the State, they should be protected.

Now, during the war of the Revolution the Quakers, although, as everybody in this debate has said, they are a worthy and patriotic body of people, incurred great animosity by their refusal to take part therein. Dr. Franklin, a man who did not yield much to sentimentalities, as they are called, speaks of them with great dislike and contempt in his writings.

I think it was Mad Anthony Wayne who, when his soldiers were hard up for shoes, heard of a great Quaker meeting which was being held one evening in the neighborhood, and marched up a body of troops, surrounded the Quaker meetinghouse, and made every man in the assembly pull off his shoes or boots or

whatever he had on, and used them for his soldiers and left the Quakers to go home barefooted. I will not be sure it was General Wayne, but it was some well-known and famous and popular general in the Revolutionary war.

So it seems to me that as we are declaring who shall constitute the militia, giving definition, we ought to put in our law the definition and not leave it in the power of any State to force a man against his conscience to go into battle.

Mr. CLAY. Mr. President, if I thought the amendment offered by the Senator from Indiana [Mr. BEVERIDGE] went as far as the Senator from Massachusetts [Mr. HOAR] says it ought to go, I would not vote for it. I would not vote in favor of an amendment exempting any religious organization from military duty which provided that a State should not fix the qualifications of those to be exempted from military duty.

Now, the second section of the bill provides that the Vice-President and members of Congress and certain military officers shall be exempt from military duty, which is proper, for they are officers of the United States; and the second section also provides that such persons as the different States may exempt from military duty shall also be exempted. The amendment of the Senator from Indiana, as I understand it—

Mr. HOAR. The Senator will pardon me. The second section also includes pilots and ferrymen and sailors employed by any merchant vessel, and a great many persons not in the national service.

Mr. CLAY. I so understand. I have the second section before me, and I do not think that changes the idea I have of that section. It does refer to pilots and ferrymen, but these are employees of those employed by the National Government.

Mr. HOAR. No.

Mr. CLAY. It says:

SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post-road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age.

My idea is that the Military Committee certainly intended to exempt from military duty certain persons and their employees employed by the National Government, and then to say to each one of the States that they should have the right to pass laws fixing other exemptions.

Mr. HOAR. Mr. President—

Mr. CLAY. That is as I construe the amendment.

Mr. HOAR. May I ask the Senator from Georgia a question?

Mr. CLAY. With pleasure.

Mr. HOAR. Does not the Senator omit in this statement, as he did in his first statement, the largest class of persons that are prescribed in that section, to wit, all mariners and pilots employed in private service having nothing to do with the United States Government? Are not the largest number of persons prescribed in that section persons not exempted because they are in the national service, but for other reasons?

Mr. CLAY. That is true; but I presume the committee intended to say that on account of the peculiar service these persons render in the maritime business Congress would take jurisdiction of them. But I desire to say, in regard to the amendment offered by the Senator from Indiana, that if it provided that Congress should assume jurisdiction of these religious organizations, located in the different States, and provided that the States should not exempt them from military duty, I would not give it my support.

I think this amendment does not change the meaning of the bill in any particular. As I understand the amendment, if you adopt it it simply says that the act shall not be construed to compel members of the religious organizations to engage in military duty hereafter; and then the question whether or not they shall be exempt in Indiana or New York will be left to the legislatures of the States hereafter. I so construe it. I do not believe that if this amendment is adopted in its present shape it will deprive the legislatures of the different States of the Union of the power to fix the qualifications of the different classes who shall be exempt from military duty hereafter.

Reading the amendment, I believe it to be useless, but the Senator from New York and the Senator from Indiana say it will quiet these people who now believe that by the passage of this act we force them to perform military duty. If this is adopted, in my opinion it will leave the section of the bill just exactly where it stands, and will leave hereafter to the legislatures of the different States the question of fixing the classes which shall be exempt from military duty.

I had not read most carefully the section, and it does go further than I thought it went in regard to exemptions. I believe that

Congress really ought not to undertake to exempt any class except those engaged in the service of the United States. The question of the organization of the militia ought to be left largely to the States, and the question of exemptions from military duty ought to be left largely to the States. If I had had the framing of this measure, I would have exempted by Congress no class except those employed by the Government of the United States. But for my part I can not see why the amendment offered by the Senator from Indiana can possibly be of any harm, and really I do not believe it will change the meaning of the bill.

Mr. HOAR. Mr. President, I should be very sorry to have the amendment which I favor lose the vote of the honorable Senator from Georgia [Mr. CLAY], or any other Senator, but I think I ought to say that I can not agree with him in his construction of the amendment. If the soldiers be called into service and be compelled to serve, it is in consequence of this bill and of nothing else. The bill provides that the President shall order the State militia into the service. For instance, in the fourth section it is provided that whenever the United States is invaded or in danger of invasion or rebellion, the President may call them forth and issue orders to them. That is compulsion, and it is compulsion authorized by this bill, and it is the only compulsion under which these soldiers are constrained to go into the service and do the work.

Then the amendment says nothing in the act contained shall be construed to compel Quakers to serve (I will use that short phrase instead of the phraseology of the amendment) or other persons like them who are described in it. To say that there is nothing in the bill which compels them in any way does not address itself favorably to my understanding. It seems to me we ought to meet the important question of the right of conscience in the proper way, and in the way in which it has been met in the United States from the beginning of the Government of the United States, to wit: That persons belonging to religious bodies who have conscientious scruples against military service shall not be compelled to violate their conscience. It seems to me the proper place for that, the righteous thing to do, is in the act of Congress where we define the persons who shall be compelled by the United States to do that service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. BEVERIDGE].

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments?

Mr. QUARLES. There is another amendment, notice of which was given, and it was printed and laid upon the table.

The PRESIDENT pro tempore. There was one which related entirely to section 24.

Mr. QUARLES. Yes.

The PRESIDENT pro tempore. Of course that would not be in order now.

Mr. PETTUS. There is one amendment which has not been offered, but which has merely been printed.

The PRESIDENT pro tempore. Does anyone offer the amendment?

Mr. BACON. Mr. President, I do not myself approve of the amendment and shall vote against it, but in order that it may be put before the Senate in the absence of its author, I will move it. I hope it will be understood that I offer the amendment on behalf of the author, the Senator from Mississippi [Mr. McLAURIN]. I do not desire that the paternity of it should be ascribed to me.

The PRESIDENT pro tempore. The Senator from Georgia, for the Senator from Mississippi, offers the amendment which will be stated.

The SECRETARY. It is proposed to insert as new sections the following:

SEC. —. That it shall be unlawful for any officer to directly or indirectly give any command, order, or direction to any private soldier to perform any service for the private benefit or advantage of such officer or any other officer or person, and any officer charged with such unlawful conduct shall be tried by a court-martial, one-half the members of which court-martial shall be private soldiers of the same class of military service as the private soldier alleged to have been so unlawfully commanded, ordered, or directed, and upon conviction shall be cashiered.

SEC. —. That in every trial of a private soldier at least one-half of the members of the court-martial before whom such private soldier shall be tried shall be private soldiers of the same class of military service as the private soldier on trial.

SEC. —. That in every trial of an officer for an alleged offense for an alleged maltreatment or mistreatment of a private soldier, at least one-half of the members of the court-martial before whom such officer shall be tried shall be private soldiers of the same class of service as the private soldier against whom such offense shall be alleged to have been committed.

The amendment was rejected.

The PRESIDENT pro tempore. Are there further amendments? This bill, when it was formerly under consideration, was reported to the Senate, and after it was in the Senate certain amendments were offered by the Senator from Missouri [Mr.



COCKRELL] and agreed to. The amendments which have been submitted to-day have been offered in the Senate, and not as in Committee of the Whole. Will the Senate concur in the amendments reported from the committee to the Senate?

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BACON. Mr. President, as I have had something to say about the bill, and in order to prevent any possible misconception as to my present attitude toward it, I desire to say that in its present shape I most heartily approve of it, and am satisfied that it is a very wise and efficient bill and will result in the great improvement of the militia and make it a most efficient arm of the Government. I hope the bill may be passed unanimously.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 15, 1903, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 14, 1903.*

##### RECEIVER OF PUBLIC MONEYS.

Alexander B. Kennedy, of Louisiana, to be receiver of public moneys at New Orleans, La., vice Charles P. Johnston, term expired. This nomination is in lieu of one for R. B. Kennedy, intended for the same man, sent to the Senate December 2, 1902, and confirmed on the 17th.

##### APPRAISER OF MERCHANDISE.

George H. Allan, of Maine, to be appraiser of merchandise in the district of Portland and Falmouth, in the State of Maine, to succeed James E. Hewey, resigned.

##### POSTMASTERS.

###### ARIZONA.

F. W. Smith, to be postmaster at Williams, in the county of Coconino and Territory of Arizona, in place of Ernest H. Simpson, deceased.

###### CALIFORNIA.

William W. Giddings, to be postmaster at Newman, in the county of Stanislaus and State of California, in place of William W. Giddings. Incumbent's commission expired June 2, 1902.

###### CONNECTICUT.

Edwin F. Tomlinson, to be postmaster at Plainville, in the county of Hartford and State of Connecticut, in place of Edwin F. Tomlinson. Incumbent's commission expired February 16, 1902.

George A. Warner, to be postmaster at Bristol, in the county of Hartford and State of Connecticut, in the place of George A. Warner. Incumbent's commission expired March 16, 1902.

###### GEORGIA.

Alamo B. Harp, to be postmaster at Jackson, in the county of Butts and State of Georgia, in place of Willie E. Harp, resigned.

###### ILLINOIS.

Charles Scofield, to be postmaster at Marengo, in the county of McHenry and State of Illinois, in place of John Q. Adams. Incumbent's commission expires January 31, 1903.

###### INDIANA.

William L. Walker, to be postmaster at Carthage, in the county of Rush and State of Indiana. Office became Presidential January 1, 1903.

###### IOWA.

Joseph D. Ball, to be postmaster at Mystic, in the county of Appanoose and State of Iowa. Office became Presidential January 1, 1903.

Merritt S. Brown, to be postmaster at North English, in the county of Iowa and State of Iowa. Office became Presidential January 1, 1903.

R. G. Clark, to be postmaster at Webster City, in the county of Hamilton and State of Iowa, in place of Charles D. Hellen. Incumbent's commission expires January 23, 1903.

###### KENTUCKY.

John W. Breathitt, to be postmaster at Hopkinsville, in the county of Christian and State of Kentucky, in place of John W. Breathitt. Incumbent's commission expires January 23, 1903.

###### MAINE.

Charles A. Paine, to be postmaster at Eastport, in the county of Washington and State of Maine, in place of Charles A. Paine. Incumbent's commission expires January 31, 1903.

###### MICHIGAN.

James W. Bedell, to be postmaster at Wakefield, in the county of Gogebic and State of Michigan. Office became Presidential January 1, 1903.

Charles M. Cole, to be postmaster at Atlantic Mine, in the county of Houghton and State of Michigan. Office became Presidential January 1, 1903.

John Hanna, to be postmaster at Birmingham, in the county of Oakland and State of Michigan, in place of John Hanna. Incumbent's commission expires January 27, 1903.

Newton E. Tower, to be postmaster at Union City, in the county of Branch and State of Michigan, in place of William J. Richards, resigned.

###### MINNESOTA.

William Gallagher, to be postmaster at Carlton, in the county of Carlton and State of Minnesota. Office became Presidential January 1, 1903.

Axel Hammarsten, to be postmaster at Cokato, in the county of Wright and State of Minnesota. Office became Presidential January 1, 1903.

###### MISSISSIPPI.

John B. Collier, to be postmaster at Leland, in the county of Washington and State of Mississippi. Office became Presidential January 1, 1903.

###### NEW JERSEY.

Adam Kandle, to be postmaster at Elmer, in the county of Salem and State of New Jersey, in place of Adam Kandle. Incumbent's commission expires January 23, 1903.

###### NEW YORK.

Charles W. Hatch, to be postmaster at Lockport, in the county of Niagara and State of New York, in place of Charles W. Hatch. Incumbent's commission expires January 28, 1903.

Henry M. Haviland, to be postmaster at Jamaica, in the county of Queens and State of New York, in place of Henry M. Haviland. Incumbent's commission expires January 28, 1903.

George R. Pettit, to be postmaster at Brocton, in the county of Chautauqua and State of New York, in place of George R. Pettit. Incumbent's commission expired January 13, 1903.

James L. Taylor, to be postmaster at Dobbs Ferry, in the county of Westchester and State of New York, in place of James L. Taylor. Incumbent's commission expired January 13, 1903.

###### NORTH DAKOTA.

Frank Sims, to be postmaster at Willow City, in the county of Bottineau and State of North Dakota. Office became Presidential January 1, 1903.

###### OHIO.

Charles C. Chapplear, to be postmaster at Circleville, in the county of Pickaway and State of Ohio, in place of Frank M. Shulze, resigned.

Ezra L. Gill, to be postmaster at Sunbury, in the county of Delaware and State of Ohio. Office became Presidential January 1, 1903.

Rolla A. Perry, to be postmaster at Plain City, in the county of Madison and State of Ohio, in place of Daniel Perry, resigned.

James Stoops, to be postmaster at Waynesville, in the county of Warren and State of Ohio. Office became Presidential January 1, 1903.

W. J. Swisher, to be postmaster at Wadsworth, in the county of Medina and State of Ohio, in place of Samuel Andrews. Incumbent's commission expired February 16, 1902.

Ernst H. Weber, to be postmaster at Brooklyn, in the county of Cuyahoga and State of Ohio. Office became Presidential January 1, 1902.

###### PENNSYLVANIA.

John W. Armstrong, to be postmaster at Eddystone, in the county of Delaware and State of Pennsylvania, in place of John W. Armstrong. Incumbent's commission expires January 31, 1903.

Joseph M. Bloss, to be postmaster at Titusville, in the county of Crawford and State of Pennsylvania, in place of Martin R. Rouse. Incumbent's commission expired December 20, 1902.

Orange S. Brown, to be postmaster at Williamsport, in the county of Lycoming and State of Pennsylvania, in place of Charles W. Scott. Incumbent's commission expired December 21, 1902.

David S. Kern, to be postmaster at Pottsville, in the county of Montgomery and State of Pennsylvania. Office became Presidential January 1, 1903.

D. O. Merrick, to be postmaster at Blossburg, in the county of Tioga and State of Pennsylvania, in place of Francis I. Jones. Incumbent's commission expires January 31, 1903.

William H. Pennell, to be postmaster at Duncannon, in the county of Perry and State of Pennsylvania, in place of William H. Pennell. Incumbent's commission expired December 20, 1902.

## SOUTH CAROLINA.

J. Frank Kneese, to be postmaster at Batesburg, in the county of Lexington and State of South Carolina. Office became Presidential January 1, 1903.

George H. McKee, to be postmaster at Darlington, in the county of Darlington and State of South Carolina, in place of George H. McKee. Incumbent's commission expired January 10, 1903.

## SOUTH DAKOTA.

John H. Dobson, to be postmaster at Alexandria, in the county of Hanson and State of South Dakota, in place of John H. Dobson. Incumbent's commission expired January 7, 1903.

## TEXAS.

Henry T. Canfield, to be postmaster at Wichita Falls, in the county of Wichita and State of Texas, in place of Henry T. Canfield. Incumbent's commission expired March 31, 1903.

C. E. Littlefield, to be postmaster at Luling, in the county of Caldwell and State of Texas, in place of George W. Stewart, removed.

## WISCONSIN.

Charles P. Brechler, to be postmaster at Fennimore, in the county of Grant and State of Wisconsin. Office became Presidential January 1, 1903.

Edwin F. Ganz, to be postmaster at Alma, in the county of Buffalo and State of Wisconsin, in place of Edwin F. Ganz. Incumbent's commission expired January 10, 1903.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 14, 1903.*

## CIRCUIT JUDGE OF HAWAII.

John T. De Bolt, of Hawaii, to be first judge of the circuit court of the first circuit of the Territory of Hawaii.

## COLLECTOR OF CUSTOMS.

Morton Tower, of Oregon, to be collector of customs for the district of southern Oregon, in the State of Oregon.

## POSTMASTERS.

## CONNECTICUT.

Walter B. Cheney, to be postmaster at South Manchester, in the county of Hartford and State of Connecticut.

## ILLINOIS.

William I. Larash, to be postmaster at Rushville, in the county of Schuyler and State of Illinois.

## IOWA.

John Meyer, to be postmaster at Alton, in the county of Sioux and State of Iowa.

Charles S. Terwilliger, to be postmaster at Garner, in the county of Hancock and State of Iowa.

Gilbert Cooley, to be postmaster at Strawberry Point, in the county of Clayton and State of Iowa.

Andrew H. Bjorgo, to be postmaster at Kensett, in the county of Worth and State of Iowa.

Hiram Lamb, to be postmaster at Murray, in the county of Clarke and State of Iowa.

## KANSAS.

William C. Palmer, to be postmaster at Jewell, in the county of Jewell and State of Kansas.

Joseph H. Woollen, to be postmaster at Mankato, in the county of Jewell and State of Kansas.

## NORTH CAROLINA.

Walter B. Steele, to be postmaster at High Point, in the county of Guilford and State of North Carolina.

Ella M. Sanders, to be postmaster at Albermarle, in the county of Stanley and State of North Carolina.

## OHIO.

William H. Baum, to be postmaster at Batavia, in the county of Clermont and State of Ohio.

Lucius A. Austin, to be postmaster at Granville, in the county of Licking and State of Ohio.

Albert C. Buss, to be postmaster at New Bremen, in the county of Auglaize and State of Ohio.

L. H. Wadsworth, to be postmaster at Wellington, in the county of Lorain and State of Ohio.

Clayton H. Bishop, to be postmaster at Centerburg, in the county of Knox and State of Ohio.

Peter Schatzman, to be postmaster at Glendale, in the county of Hamilton and State of Ohio.

## OREGON.

Thomas L. Ambler, to be postmaster at Mount Angel, in the county of Marion and State of Oregon.

## SOUTH CAROLINA.

John R. Cochran, jr., to be postmaster at Anderson, in the county of Anderson and State of North Carolina.

John W. Dunovant, to be postmaster at Chester, in the county of Chester and State of South Carolina.

## VERMONT.

James E. Pollard, to be postmaster at Chester, in the county of Windsor and State of Vermont.

Warner B. Nichols, to be postmaster at Essex Junction, in the county of Chittenden and State of Vermont.

## WEST VIRGINIA.

William F. Squires, to be postmaster at Parsons, in the county of Tucker and State of West Virginia.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 14, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

The SPEAKER laid before the House the bill (H. R. 15006) to amend an act entitled "An act to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, with a Senate amendment, which was read.

Mr. PAYNE. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the Senate amendment was agreed to was laid on the table.

## LUMAN FULLER.

The SPEAKER also laid before the House the bill (H. R. 14478) granting an increase of pension to Luman Fuller, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

## ALBERT H. PHILLIPS.

The SPEAKER also laid before the House the bill (H. R. 14416) granting an increase of pension to Albert H. Phillips, with Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur. The motion was agreed to.

## JOHN BRUFF.

The SPEAKER also laid before the House the bill (H. R. 14477) granting a pension to John Bruff, with Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

## SARAH E. MORROW.

The SPEAKER also laid before the House the bill (H. R. 11594) granting an increase of pension to Sarah E. Morrow, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move concurrence in the Senate amendment.

The motion was agreed to.

## MATHIAS CUSTERS.

The SPEAKER also laid before the House the bill (H. R. 14957) granting an increase of pension to Mathias Custers, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

## JOHN BLACKLER.

The SPEAKER also laid before the House the bill (H. R. 11633) granting an increase of pension to John Blackler, with a Senate amendment, which was read.

Mr. SULLOWAY. Mr. Speaker, the beneficiary is dead, and I move that the bill be laid on the table.

The motion was agreed to.

## COAL.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution No. 888.

Whereas it is claimed that conditions exist involving great hardship, suffering, and distress by reason of the unprecedented scarcity of coal, and it is claimed that combinations or conspiracies exist in and concerning said trade tending to restrain interstate and foreign commerce: Therefore, be it



*Resolved*, That the Committee on the Merchant Marine and Fisheries be, and is hereby, directed to investigate these said facts, charges, and necessities; to inquire into the elements and conditions involved in said coal trade, the cost of coal, the methods and facilities and cost of transportation and distribution of the same, and the reasons or causes of such scarcity and distress; that said committee make such investigations and report the testimony, with their conclusions thereon, as soon as possible, and that said committee have power and authority to send for persons and papers, to administer oaths, to employ or have the services of stenographers, clerks, and messengers, and incur such other expenses as may be deemed necessary; that meetings of the said committee be held in the Capitol building in Washington and in such other places as the committee shall determine, and the necessary expenses shall be paid out of the contingent fund of the House, on the usual vouchers, approved by the chairman of said committee: *Provided*, That said committee is authorized to sit during the session of the House, and may proceed to discharge the duties assigned either by the committee or by one or more subcommittees, and the action of the subcommittee of said committee shall be as valid as though done by the full committee.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, if I understand the effect of this resolution, it is to add to the powers given to the committee under the resolution which passed the House on yesterday.

Mr. GROSVENOR. On Monday.

Mr. RICHARDSON of Tennessee. It authorizes the committee, as I understand, to take testimony by a subcommittee as well as by the full committee.

Mr. GROSVENOR. And furthermore, it gives power to sit during the sessions of the House, which was not in the former resolution.

Mr. RICHARDSON of Tennessee. It does not extend the right to sit during the recess at all?

Mr. GROSVENOR. Not at all. Of course it is understood its power will fall with the session of Congress.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Does the gentleman not think his resolution should provide that the committee should report before the adjournment of Congress?

Mr. GROSVENOR. It provides that they shall report as speedily as possible.

Mr. FITZGERALD. But that is ineffective.

Mr. GROSVENOR. If the gentlemen will allow me, it must report before the adjournment of Congress, because it has no power after adjournment; and, furthermore, the gentleman will understand that the House will have entire control over the action of the committee so far as compelling a report or discharging the committee.

Mr. FITZGERALD. Yes, but under the rules of the House it would be impossible to bring that question before the House unless the gentleman's side desire it.

Mr. GROSVENOR. I hope the gentleman will have confidence in the good faith of the committee.

Mr. FITZGERALD. I have, but I suggest to the gentleman that he might relieve whatever of suspicion there might be if he amends his resolution by providing that the committee should report before Congress adjourns.

Mr. GROSVENOR. That is the legal effect of the resolution as it stands.

Mr. FITZGERALD. I do not concur sometimes in the gentleman's legal conclusions.

The SPEAKER. The Chair hears no objection. The question now is on agreeing to the resolution.

The question was taken and the resolution was agreed to.

On motion of Mr. GROSVENOR, the motion to reconsider the last vote was laid on the table.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MOODY of North Carolina indefinitely on account of sickness.

#### REBATE ON COAL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House, No. 381, have considered the same and recommend that it be agreed to, with an amendment, inserting in line 2, after the letters "H. R.," the number "16649," and also an amendment inserting after the word "consider," in line 2, the words "in the House."

*Resolved*, That immediately on the adoption of this rule it shall be in order to consider H. R. —, providing for a rebate of duties on coal; that debate thereon shall continue for not more than one hour, one-half hour on each side; that on the conclusion of the debate the previous question shall be considered as ordered, and vote taken upon the passage of the bill without delay or intervening motion.

Mr. DALZELL. Mr. Speaker, on the adoption of that rule, I ask the previous question.

The previous question was ordered.

Mr. DALZELL. Mr. Speaker, the bill referred to in the rules is a very short one, and I will read it. It is entitled "A bill to provide rebate of duties on coal."

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and required to make full rebate of duties imposed by law on all coal of every form and description imported into the United States from

foreign countries for the period of one year from and after the passage of this act.

The purpose of this bill, it will be observed, is really to put coal of all kinds on the free list during a period of one year subsequent to the passage of the act. There has been so much misrepresentation with respect to the duty on anthracite coal, and with respect to the manner with which it was imposed, that I think this is a favorable occasion, perhaps, to correct the misrepresentations that have been made, and to put in the RECORD a true statement by reciting the legislative history of the duty on coal.

When the Dingley bill was reported to the House in the first instance it contained a provision that coal, bituminous and shale, should pay a duty of 75 cents a ton, coal slack or culm 30 cents, and coke 20 cents. On the free list was this provision: "Coal, anthracite, and coal stores of American vessels, but none shall be unloaded."

The bill passed the House in the identical shape in which it had been reported, and was reported to the Senate in this form: "Coal and shale, 75 cents per ton; coal slack and culm, 30 cents per ton: *Provided, however*, That the duty on coal and shale shall be 60 cents per ton, and on coal slack or culm 15 cents per ton when imported from any country that does not impose on coal or coal slack or culm a higher rate of duty than those named in this proviso. Coke 20 cents." The free list read, "Coal stores of American vessels, but none shall be unloaded or discharged."

That was the shape in which the bill was reported to the Senate. As it passed the Senate it was amended so as to read this way:

Coal, bituminous, and all coals containing less than 92 per cent of fixed carbon, and shale, 67 cents per ton. Coal slack or culm, 15 cents per ton.

Then there was a proviso with respect to coal for fuel aboard vessels which I need not read. The free list read: "Coal stores of American vessels, but none shall be unloaded or discharged."

Now it will be observed that this provision for a duty on coal containing less than 92 per cent carbon was in the bill as it passed the Senate, and, of course, there could not be any concealment of the matter under that condition of things. But the bill was further amended in conference so as to read: "Coal, bituminous, and all coals containing less than 92 per cent of fixed carbon, and shale, 67 cents per ton." The free list read: "Coal, anthracite, not specially provided for in this act, and stores of American vessels, but none shall be unloaded."

In other words, it was undertaken to give a definition to anthracite coal, and it was provided that all coal, whether it was called anthracite or bituminous, that contained less than 92 per cent of carbon, should pay a duty of 67 cents a ton.

Now, this provision was not only not put in secretly, but was debated on the floor of the Senate. It was put in at the instance of representatives in the Senate and House from the Pacific coast in order to provide against coal brought in on the Pacific coast from Australia and British North America. In point of fact, so far as I know, there is no real anthracite coal in the world outside of Pennsylvania, unless possibly it be in China, and the anthracite coal of Pennsylvania contains more than 92 per cent of carbon, and is, therefore, now on the free list.

I need not say anything, Mr. Speaker, as to the necessity or the propriety of the passage of this bill at this time. The great coal strike in Pennsylvania is a matter of lamentable history. I learn this morning by a statement from an authentic source that during the five months of that strike the country was deprived of a supply of anthracite coal amounting to 24,000,000 tons. There could be only one result from such a condition of things; and that result has followed—a scarcity of coal, great and widespread suffering in the heart of midwinter, and a high price for the commodity.

Now, I want to say here and now, speaking for myself, that I do not believe that this legislation will introduce into the market an additional pound of coal. I do not believe that any coal will be imported that would not have been imported without the passage of this bill. I do not believe that it will have any appreciable effect upon the price of coal. I do not believe that any legislation can affect the greed and avarice of the cormorants who are taking advantage of the present condition to oppress people already oppressed. But it will do one thing—it will satisfy the great public that believes that Congress can do something; and it will show the disposition of Congress to do everything that it can do to alleviate this distress.

A friend near me suggests that it will satisfy the belief of the public; and whatever the result may be, Congress will at least have relieved itself of its responsibility. And the responsibility, let me say, rests with us right here, because under the Constitution the power to originate revenue legislation rests with the people's representatives in this House, and rests nowhere else.

Now, I am not disposed to take up any time in the further discussion of this bill. I hardly think it possible that anyone will want to consume time, to delay the passage of an emergency

measure such as this, which is expected to bring relief to a suffering people. I can not conceive that under the circumstances anyone here or elsewhere will be disposed to talk politics.

Mr. Speaker, I reserve the balance of my time.

Mr. JONES of Washington. Will the gentleman from Pennsylvania allow me a suggestion before he takes his seat?

Mr. DALZELL. Certainly.

Mr. JONES of Washington. I agree with the gentleman in doubting whether this measure will bring any relief; but I think it will very injuriously affect the Pacific coast. Therefore I ask whether there is any reason why the operation of the bill should not be limited to the importation of coal into the Atlantic ports and the ports of the Great Lakes or the Gulf. If this bill would relieve the suffering now existing here in the East, I know my people would favor it. It will not; but, on the contrary, will threaten a great industry of my State and bring in competition with our well-paid labor the product of Chinese labor of Canada, and unless the operation of this bill can be confined to the Atlantic and lake ports I shall feel compelled to vote against it.

Mr. DALZELL. I think such legislation would be contrary to the constitutional provision which says that taxes shall be uniform throughout the United States.

Mr. JONES of Washington. As I understand, this is a rebate proposition—the tax is to be collected and then returned. Of course, in effect it amounts to the same thing.

Mr. DALZELL. It is in effect a discount. You may call it whatever you please. It in fact puts coal on the free list for a year.

Mr. JONES of Washington. That is the effect of it, certainly.

Mr. DALZELL. I doubt now—speaking only for myself—whether or not we can make a provision of that kind applicable to the Atlantic ports and not applicable to the Pacific coast.

Mr. JONES of Washington. That would be the objection to a proposition of that kind?

Mr. DALZELL. Yes, sir.

Mr. MONDELL. I wish to ask the gentleman from Pennsylvania [Mr. DALZELL] whether the committee considered the proposition of limiting the operation of the provisions of this bill to six months rather than a year, and I ask this question because, in my opinion, the passage of the bill will very injuriously affect the coal industry of my State without being any relief to any of the people now suffering. The gentleman himself has already stated that he does not believe it would bring any relief—

Mr. RICHARDSON of Tennessee. We should like very much to hear what the gentleman from Wyoming [Mr. MONDELL] is saying. I hope we shall have order.

The SPEAKER. All gentlemen will be seated, and will cease conversation.

Mr. MONDELL. I understand fully the demand for this legislation, but in view of the fact that, in the gentleman's opinion, this measure will bring no relief, and the further fact that it will injuriously affect great interests, I ask him whether or not the committee has considered the propriety of limiting the operation of the law to six months. Much less injury would come from a bill so limited.

Mr. DALZELL. Mr. Speaker, in reply to the gentleman from Wyoming, I will say that the committee did consider that question, and that in the first instance it was intended—

Mr. RICHARDSON of Tennessee. We can not hear a word that the gentleman is saying.

The SPEAKER. The House will come to order.

Mr. DALZELL. The committee did consider the question of time, and in the first instance was of opinion, pretty generally, I think, that six months would be a proper period. But after further consideration, taking into account all the facts, the committee came to the conclusion that it would be better that this legislation should expire while Congress was in session. If limited to six months the effect of the law would end when Congress is not in session. It is absolutely impossible for us to tell what is going to happen in the future with respect to the coal trade.

Mr. LIVINGSTON. Mr. Speaker, if the committee considers the fact of its being a good measure for twelve months I would ask the gentleman if the committee considered the further fact of its being a good measure for all time?

Mr. DALZELL. Well, the committee was very thoroughly of the opinion that it would not be a good measure for all time. Of course I understand now that the gentleman is simply violating, as I assumed a while ago would not be done, a rule which I assumed would be adopted; that is to say, to avoid playing politics on this emergency measure.

Mr. LIVINGSTON. There is no politics in it.

Mr. DAYTON. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. DALZELL. Yes.

Mr. DAYTON. I would ask if the committee in looking into this matter did not find that the greatest trouble was to secure

the transportation of coal to the markets where it was needed, and if considering it in that light they took into consideration a plan to suspend temporarily the operations of the interstate-commerce law which would permit the coal-hauling railroads to haul coal to the exclusion of other freight without being subjected to the penalty of that law?

Mr. DALZELL. I will say to my friend that that matter was not considered by the committee or brought to its attention. Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the gentleman from Pennsylvania has correctly stated what would be the effect of the adoption of the pending rule. It will be to bring the House without amendment to an immediate vote after one hour of general debate upon the bill which makes a rebate on all coal for a period of twelve months. I believe, as the rule is drawn, Mr. Speaker, if the present occupant of the chair holds as he has held on former occasions similar to this, that it will even prevent a motion to recommit this bill with instructions to the Committee on Ways and Means. The resolution is so drawn as to prevent any amendment whatever to be offered to the measure, and it will also prevent, as I have stated, a motion to recommit the bill to the Committee on Ways and Means with instructions that some different legislation may be proposed. In this respect, Mr. Speaker, it is a most unusual rule. I grant you that rules somewhat similar have been adopted heretofore by the House of Representatives, but when the great question of taxation is before the House and the country, and a live question as it is to-day, such a rule ought not to be invoked.

Now, then, as to the effect of this bill, if it shall pass. It is interesting, Mr. Speaker, to note the differences of opinion entertained and expressed by the great doctors of economy on the other side of the House. The able gentleman who presents this rule tells us that it will not have any effect whatever upon the importation of coal into this country, that it will not affect the price, that it will not have any effect upon the importation of coal, while equally learned doctors on that side arise in their place and tell us that it will destroy the coal industry in their respective States, or greatly damage it. They not only say so on the floor here, but they say so in the public prints, if we are to depend upon what we see published in the newspapers of this morning.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to a question?

The SPEAKER. Does the gentleman yield?

Mr. RICHARDSON of Tennessee. Yes.

Mr. MONDELL. As I understand it, this legislation is intended to relieve a condition which exists throughout the Eastern and Atlantic States. When I stated that the legislation would injure the industry in my State, I spoke what I believed to be the truth. There has been no demand for a reduction of duty in that region, and there is no one asking any relief there, even admitting that this measure will bring relief anywhere, which I do not.

Mr. RICHARDSON of Tennessee. The gentleman asked me to yield for a question and not for a speech. Now, I will ask him a question. Does he believe that this rebate or this taking the tariff tax off coal will reduce the price of coal in his State?

Mr. MONDELL. I do not believe it will.

Mr. RICHARDSON of Tennessee. Then how will it injure your coal producers?

Mr. MONDELL. It will have the effect of allowing Chinese-mined Canadian coal to seek the market now held by the coal mined in my State.

Mr. RICHARDSON of Tennessee. Will it reduce the price of coal to your people?

Mr. MONDELL. No, sir.

Mr. RICHARDSON of Tennessee. Then what is the objection to other coal coming in?

Mr. MONDELL. It will place in competition with our coal in the markets—

Mr. RICHARDSON of Tennessee. Well, but the gentleman stated it would not reduce the price.

Mr. MONDELL. Canadian-mined coal—and reduce our markets.

Mr. RICHARDSON of Tennessee. Answer the question: Will it reduce the price of coal? And if not, why does the gentleman object to other coal coming in?

Mr. MONDELL. It will possibly reduce a little the price of our coal in some of the markets which it seeks, but I doubt it. It will, however, even though the price is not reduced, let in a large quantity of Canadian coal, thus reducing our market.

Mr. RICHARDSON of Tennessee. That is all right. This admission is all we ask. Then we have that much confessed even by a protective-tariff man, that if you reduce the tax and reduce the tariff on an article it reduces the price to the consumer. [Applause.] This is Democratic doctrine and is common sense. I congratulate the gentleman on this confession.



I am glad to notice that some of this applause comes from the Republican side. I want to tell you, Mr. Speaker, that as this rule is drawn, the gentleman from Wyoming [Mr. MONDELL] will be denied the opportunity to offer his amendment to this bill, limiting the time of injury to his constituents to six months. They must stand it for twelve months. And yet when the gentleman goes home he will say to his constituents, "Why, I could not help it. We could not offer an amendment to the bill reducing the time you are to be injured." They may not think to ask him why he could not offer an amendment, but if they do, he will have to tell them that the reason he could not offer an amendment to stop this injury at the end of six months was because he voted to tie his own hands, to prevent himself from offering such an amendment. [Applause on the Democratic side.] Now are you going to do that?

Mr. MONDELL. Will the gentleman allow me for a moment?

Mr. RICHARDSON of Tennessee. Why, certainly, if you want to ask a question, not to make a speech.

Mr. MONDELL. I will also say to them that if I voted with gentlemen on the other side against the rule it would result in an attempt at an amendment that would give us not free coal for a year, but free coal for all time to come. [Applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I am very much obliged to my friend, Mr. Speaker. I could not have stated it better than that. The gentleman's side of the House has about 200 members. We have about 160 on this side. What does the gentleman say? That but for this ironclad rule, but for this severe rule, enough Republicans on that side of the House would have their consciences so moved and operated upon that they would join with gentlemen on this side of the House and give relief to a suffering people. [Applause on the Democratic side.] Now, is not that a beautiful position for gentlemen on that side of the House to take and voluntarily place themselves in? That is just what I was going to argue, Mr. Speaker, as a Democrat and as a Representative sitting upon this side of the Chamber, but the gentleman from Wyoming [Mr. MONDELL], voicing the sentiment of his people, has saved me from arguing at length that view of the case.

But the gentleman from Pennsylvania [Mr. DALZELL] says that it will not affect the market, that it will have no effect upon coal importations.

Mr. Speaker, not only does the gentleman from Wyoming differ from my friend from Pennsylvania, but other Republicans in this country differ from him. The great Republican Secretary of the Treasury differs radically with my friend from Pennsylvania. Why do I say that? Because in the month of October, when the exigency was upon this country, when the coal strike was prevailing, and an important election pending, the Secretary of the Treasury, in effect, substantially gave direction to the customs officers of this country to repeal or to nullify the present tariff law laying a tax upon coal. I say he substantially nullified it. He directed them, in effect, not to administer the law on the statute books, and placed there by the Republican party. So that when the Secretary of the Treasury wanted to give a little relief to a suffering people he found it necessary to nullify the Republican law on the statute books, which ought to be repealed to-day in full. If the repeal of this tax on coal would not help the people who consume coal, why did the Secretary of the Treasury give orders for its virtual suspension?

I say, Mr. Speaker, that this bill does not go far enough. We say that instead of a suspension or a rebate for twelve months the entire law should be repealed and the people given the relief which the Secretary of the Treasury undertook to give them by nullifying the law, and which the gentleman from Wyoming [Mr. MONDELL] says they will get under this law if it is passed.

In the Committee on Ways and Means we undertook to pass amendments to the pending bill. We sought to indefinitely extend the twelve months' limit. That was voted down. We sought to solve the problem by placing coal upon the free list. That was voted down. With the bill presented to us in this shape there is nothing for us to do but vote for it as a final resort. We can not and would not defeat it if we could by our votes, but, Mr. Speaker, when there are great exigencies in this country, when there are great emergencies, when great afflictions come, it is interesting to note the fact that the Republican party always resort to Democratic theories of government in order to bring relief to a suffering people. [Applause on the Democratic side.]

I am not outside of history when I tell you that when we have great fires in this country, as we had in a city in Maine at one time, and as we had in the great city of Chicago in 1871, when the people there were smitten by Providence, and great distress prevailed, the Republican party at once resorted quickly to Democratic measures of relief in order to assist the suffering people. [Applause.] They provided at once as a measure of re-

lief for those afflicted that all the supplies necessary for rebuilding should be placed upon the free list. And, mark you, that was when we had too much fire. But now, Mr. Speaker, when we can not get any fire at all, and the people are freezing to death, the Republican party again rushes to Democratic theories in order to afford relief. [Applause on the Democratic side.] The country will yet find that only in Democratic theories and policies is there perfect safety for the Republic at all times and under all conditions.

Now, why not do what we ought to do? Why not do what many Republicans on that side of the House promised their people in the campaign last year they would do, and that is give the people some relief from the onerous taxes under which they suffer? But instead of coming forward as you should have done at this session and passed a tariff bill reducing the tariff, so as to give relief to many industries of this country, thereby destroying, or at least reducing, the power of trusts to oppress the people, you come forward now, when you are compelled to modify the tariff, and you do it in this indirect, halting, and insincere way. You are afraid to permit amendments to be offered to the bill, as the gentleman from Wyoming says if you give a chance to amend this measure the people's representatives might vote more relief than you give in the pending bill.

Now, Mr. Speaker, I am not going to undertake to tell here, for I have not time, how this provision got into the Dingley tariff law. My friend from Pennsylvania found it necessary this morning, when no one had made a statement on this floor to-day, to come to the relief of the framers of this law. Well, now, he need not undertake to get up a wrangle or a row with anyone on this side of the House upon that question. I quote the language of an able and honorable gentleman who for years occupied a seat on that side of the Chamber, personally known to us all as an honorable and able man. In debate, as he was reported at the time, in the State of Michigan, I think it was, he said that this provision for coal was "sneaked" into the Dingley tariff bill.

Now, he has never denied that statement, so far as I know, and it has been published far and wide over this country. It was "sneaked," he said, "in a cowardly manner into the Dingley bill." If you want your row, take it with the Secretary of the Navy. It seems that nobody has denied the allegation that this provision was sneaked into the Dingley bill, but whether it was or not, Mr. Speaker, it is not necessary now to discuss. The question is, Ought it to be there? And these gentlemen by their action now come forward and are compelled to confess that it ought not to be there in the present exigency, and they themselves ask relief from their own law for a period of twelve months.

How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has five minutes remaining.

Mr. RICHARDSON of Tennessee. Now, Mr. Speaker, I can not go further in a discussion of this question. I only want to say this, that in my judgment this House ought to vote down this rule in order that we may present this measure in a better shape for the people. We can not offer to amend it under the rule; we can not make any change whatever in the bill, and must take it as it is if we adopt this resolution. The rule is unnecessary. The bill is itself privileged, and could have been called up under the rules at any time, but under the rules when so called up it would be open to amendment. This rule is only designed and intended to prevent the offering of amendments. Therefore we should vote down the rule, in order that the people of this country may have absolute and complete relief from the oppression of this "sneaking provision" in the Dingley tariff bill. Let us put coal where it ought to be—on the free list. [Loud applause on the Democratic side.] I yield five minutes to the gentleman from Mississippi.

The SPEAKER. The gentleman has four minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, this is either a good bill or it is a bad bill. If it is a good bill, it is because after its passage the price of coal is going to be reduced to the people who are now suffering. If the price of coal is going to be reduced to the people now suffering, it will be because the tariff tax has been removed. Now, I believe that all men of common sense, when they are faced with an actual situation, do believe that a reduction of a tariff tax will have a tendency to cheapen in the market the article upon which the tax has been levied. I can not conceive that anybody would oppose a bill of this sort in an emergency like this, unless he were one of the class of people who think that it is better that a great number of men and women and children should freeze, or be cold at any rate, than that a few people should make less profit upon invested capital for a very short while.

Now, Mr. Speaker, such extreme haste to do a thing so long delayed, and so unjustifiably delayed, has seldom been witnessed. The gentleman from Pennsylvania tells us that this is an emergency measure, and so it is; but it is no new emergency. It is not a sudden emergency. It has been an emergency since the House

met upon the first Monday of December. [Applause.] Gentlemen can not now wait or delay long enough to let the House vote upon an amendment; can not wait long enough to let the representatives of the people propose or vote upon amendments. Now, the people themselves understand how things certainly are, and yet they have waited with their hands folded from the 1st day of December until now, to do what? To do partially and haltingly, hesitatingly and apologetically, as the gentleman's remarks bear witness, that which the Democratic party and that which all sound-thinking people of this country have been calling upon them to do ever since Congress met—to take the tariff off anthracite coal. True, the bill removes or suspends the tax for only a year. But going that far admits the principle for which we have contended and the efficacy of the remedy which we have suggested.

Now, Mr. Speaker, perhaps the severest possible arraignment of the authors of existing industrial conditions and policies consists in the statement, which is true, that this bill—poor, halting thing—"lame and impotent conclusion" as it is, is infinitely better than the present condition of things. We live in one of the richest countries of the world. We live in a country which has sent anthracite coal—at any rate the late Assistant Secretary of the Treasury, Mr. Vanderlip, says so—to Newcastle itself. And yet we have by our laws gotten ourselves—mining coal of that sort as cheaply as we have mined it—into a position where men in the most highly civilized cities of the world to-day, New York, Chicago, Boston, and Philadelphia, are shivering not only with physical cold, but with anxiety for their wives and their children, and when the relief was begged this House and the Senate sat idly by until a month and a half of winter is gone and its accompanying sufferings been experienced before they give it, and then give it but temporarily and haltingly. It is now the 14th of January. No coal will come from abroad for a month and—

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. DALZELL. How much time has the other side occupied, Mr. Speaker?

The SPEAKER. The other side has occupied all of their time.

Mr. DALZELL. How much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. DALZELL. I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I shall vote for this rule, but I shall vote against the proposed legislation. I vote for the rule knowing that the gentlemen on the Democratic side who vote against it do so with the hope and expectation of being able to pass legislation through the House placing coal upon the free list. I shall do all that I can when the time comes to prevent the passage of the bill, but I prefer to have the measure considered as it now stands, rather than to court the danger of permanently placing coal on the free list as desired by the gentlemen on the Democratic side.

Mr. DALZELL. Mr. Speaker, it will be useless at this time to undertake to enter into a tariff discussion, or to undertake to answer the threadbare argument that comes from gentlemen on the other side on that subject. When they passed their measure of perfidy and dishonor it contained a duty on coal. There is no distinction between the theories of the two parties on that subject; it is merely a question of a few cents in amount of duty.

Now, it is less than fair for the gentleman from Tennessee to repeat here the alleged words of the Secretary of the Navy with respect to the duty on coal. The Secretary of the Navy, subsequent to making that speech, made another speech in New England in which he conceded that he had been misled and in which he has put himself right. Now, mark the attitude of the other side. The gentleman from Mississippi is full of haste, but the gentleman from Tennessee complains that we will not let him play politics here; allow him to put in the time that ought to be spent in passing this bill in offering fruitless amendments that could amount to nothing, and then, after they had all been voted down, permit him to make a motion to recommit. The hypocrisy of the attitude of the gentlemen on the other side was never more apparent than it is as demonstrated by the gentleman from Tennessee to-day. Mr. Speaker, I ask for a vote. [Applause on the Republican side.]

The SPEAKER. The question is on agreeing to the amendments to the resolution.

The question was taken; and the Speaker announced that the ayes had it.

Mr. RICHARDSON of Tennessee. I demand a division, Mr. Speaker.

As the House was proceeding to divide,

Mr. RICHARDSON of Tennessee. Mr. Speaker, is this vote upon the amendment?

The SPEAKER. It is.

Mr. RICHARDSON of Tennessee. Then I withdraw my demand.

The SPEAKER. The gentleman from Tennessee withdraws his demand. The ayes have it, and the amendment is agreed to. The question now is on agreeing to the resolution as amended.

The question was taken; and there were on a division (demanded by Mr. RICHARDSON of Tennessee)—ayes 136, noes 110.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand the yeas and nays on the passage of the resolution.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays 116, answered "present" 6, not voting 88; as follows:

## YEAS—144.

Adams,	Draper,	Hull,	Powers, Me.
Alexander,	Driscoll,	Irwin,	Powers, Mass.
Allen, Me.	Dwight,	Jones, Wash.	Prince,
Aplin,	Eddy,	Kahn,	Reeves,
Babcock,	Emerson,	Ketcham,	Schirm,
Bartholdt,	Esch,	Knapp,	Scott,
Bates,	Fletcher,	Kyle,	Shattuc,
Beidler,	Foerderer,	Lacey,	Shelden,
Bingham,	Fordney,	Landis,	Showalter,
Blackburn,	Foss,	Lawrence,	Sibley,
Blakeney,	Foster, Vt.	Lessier,	Skiles,
Boutell,	Fowler,	Littauer,	Smith, Ill.
Brandegree,	Gardner, Mass.	Littlefield,	Smith, Iowa
Brick,	Gardner, Mich.	Lovering,	Smith, H. C.
Bromwell,	Gardner, N. J.	McCall,	Smith, S. W.
Brown,	Gibson,	McCleary,	Southwick,
Brownlow,	Gill,	McLachlan,	Sperry,
Burke, S. Dak.	Gillet, N. Y.	Mahon,	Steele,
Burkett,	Gillett, Mass.	Mann,	Stevens, Minn.
Burleigh,	Graff,	Marshall,	Stewart, N. J.
Burton,	Greene, Mass.	Martin,	Sulloway,
Butler, Pa.	Grosvenor,	Mercer,	Sutherland,
Cannon,	Grow,	Metcalfe,	Tawney,
Capron,	Hamilton,	Miller,	Taylor, Ohio
Conner,	Haskins,	Minor,	Thomas, Iowa
Coombs,	Haugen,	Mondell,	Tirrell,
Cooper, Wis.	Heatwole,	Morgan,	Van Voorhis,
Corliss,	Hedge,	Morrell,	Vreeland,
Cromer,	Hemenway,	Morris,	Wachter,
Crumppacker,	Henry, Conn.	Moss,	Wadsworth,
Currier,	Hepburn,	Mudd,	Wanger,
Dahle,	Hildebrandt,	Otjen,	Warner,
Dalzell,	Hill,	Overstreet,	Warnock,
Deemer,	Hitt,	Parker,	Watson,
Dick,	Holliday,	Patterson, Pa.	Woods,
Douglas,	Howell,	Payne,	Wright.

## NAYS—116.

Adamson,	Flanagan,	Lindsay,	Ryan,
Allen, Ky.	Fleming,	Little,	Scarborough,
Bartlett,	Flood,	Livingston,	Shackelford,
Bell,	Gaines, Tenn.	Lloyd,	Shafroth,
Belmont,	Gaines, W. Va.	McClellan,	Shallenberger,
Benton,	Gilbert,	McCulloch,	Sheppard,
Billmeyer,	Glass,	McDermott,	Sims,
Brantley,	Glenn,	Maddox,	Slayden,
Breazeale,	Goldfogle,	Maynard,	Small,
Burgess,	Gooch,	Mickey,	Smith, Ky.
Burleson,	Green, Pa.	Miers, Ind.	Snodgrass,
Caldwell,	Griffith,	Moon,	Snook,
Candler,	Hay,	Napfen,	Stark,
Cassingham,	Henry, Tex.	Neville,	Stephens, Tex.
Clark,	Hooker,	Padgett,	Sulzer,
Clayton,	Howard,	Patterson, Tenn.	Swann,
Cochran,	Jett,	Perkins,	Tate,
Conry,	Johnson,	Pierce,	Taylor, Ala.
Cooney,	Jones, Va.	Randall, Tex.	Thayer,
Cooper, Tex.	Kern,	Reid,	Thomas, N. C.
Cowherd,	Kitchin, Claude	Rhea,	Trimble,
Davey, La.	Kitchin, Wm. W.	Richardson, Tenn.	Vandiver,
Davis, Fla.	Kleberg,	Rixey,	Wheeler,
De Armond,	Klutz,	Robb,	White,
Dismore,	Lamb,	Robertson, La.	Williams, Ill.
Dougherty,	Latimer,	Robinson, Ind.	Williams, Miss.
Elliott,	Lester,	Rucker,	Wilson,
Feely,	Lever,	Ruppert,	Wooten,
Fitzgerald,	Lewis, Ga.	Russell,	Zenor.

## ANSWERED "PRESENT"—6.

Barney,	Dayton,	Jenkins,	Kehoe.
Broussard,	Griggs,		

## NOT VOTING—88.

Acheson,	Cushman,	Lewis, Pa.	Reeder,
Ball, Del.	Darragh,	Long,	Richardson, Ala.
Ball, Tex.	Davidson,	Loud,	Roberts,
Bankhead,	Dovener,	Loudenslager,	Robinson, Nebr.
Bellamy,	Edwards,	McAndrews,	Rumple,
Bishop,	Evans,	McLain,	Selby,
Boring,	Finley,	McRae,	Sherman,
Bowersock,	Foster, Ill.	Mahoney,	Smith, Wm. Alden
Bowie,	Fox,	Meyer, La.	Southard,
Bristow,	Gordon,	Moody, N. C.	Sparkman,
Brundidge,	Graham,	Moody, Oreg.	Spight,
Bull,	Hanbury,	Mutchler,	Stewart, N. Y.
Burk, Pa.	Henry, Miss.	Needham,	Storm,
Burnett,	Hopkins,	Nevin,	Swanson,
Butler, Mo.	Hughes,	Newlands,	Talbert,
Calderhead,	Jack,	Norton,	Thompson,
Cassel,	Jackson, Kans.	Olmsted,	Tompkins, N. Y.
Connell,	Jackson, Md.	Palmer,	Tompkins, Ohio
Cousins,	Joy,	Pearre,	Underwood,
Creamer,	Knox,	Pou,	Weeks,
Crowley,	Lanham,	Pugsley,	Wiley,
Curtis,	Lassiter,	Ransdell, La.	Young.

So the resolution was adopted.



The following pairs were announced:

For the session:

Mr. DAYTON with Mr. MEYER of Louisiana.

Until January 15:

Mr. JENKINS with Mr. LANHAM.

Until January 25:

Mr. DOVENER with Mr. BROUSSARD.

Until further notice:

Mr. NEEDHAM with Mr. RANDELL of Louisiana.

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. CURTIS with Mr. MCANDREWS.

Mr. RUMPLE with Mr. ROBINSON of Nebraska.

Mr. JACK with Mr. FINLEY.

Mr. BOWERSOCK with Mr. BURNETT.

Mr. BOREING with Mr. KEHOE.

Mr. HOPKINS with Mr. SWANSON.

Mr. LONG with Mr. NEWLANDS.

Mr. LESSLER with Mr. BURGESS.

Mr. BARNEY with Mr. THOMPSON.

Mr. ACHESON with Mr. SPARKMAN.

Mr. SOUTHARD with Mr. NORTON.

Mr. DAVIDSON with Mr. SELBY.

Mr. MOODY of Oregon with Mr. BELLAMY.

Mr. MOODY of North Carolina with Mr. FOX.

Mr. EVANS with Mr. FOSTER of Illinois.

Mr. STORM with Mr. PUGSLEY.

Mr. LOUD with Mr. GRIGGS.

For this day:

Mr. WM. ALDEN SMITH with Mr. EDWARDS.

Mr. SHERMAN with Mr. MUTCHLER.

Mr. BISHOP with Mr. BRUNDIDGE.

Mr. REEDER with Mr. MAHONEY.

Mr. BULL with Mr. CROWLEY.

Mr. LEWIS of Pennsylvania with Mr. TALBERT.

Mr. BALL of Delaware with Mr. BALL of Texas.

Mr. CALDERHEAD with Mr. BOWIE.

Mr. CONNELL with Mr. BUTLER of Missouri.

Mr. COUSINS with Mr. CREAMER.

Mr. GRAHAM with Mr. HENRY of Mississippi.

Mr. CUSHMAN with Mr. GORDON.

Mr. HANBURY with Mr. JACKSON of Kansas.

Mr. HUGHES with Mr. McLAIN.

Mr. JOY with Mr. UNDERWOOD.

Mr. KNOX with Mr. LASSITER.

Mr. NEVINS with Mr. POU.

Mr. YOUNG with Mr. MCRAE.

Mr. OLMSTED with Mr. SPIGHT.

Mr. STEWART of New York with Mr. WILEY.

Mr. GRIGGS. Mr. Speaker, I wish to ask whether the gentleman from California, Mr. LOUD, has voted?

The SPEAKER pro tempore (Mr. HEPBURN). He has not.

Mr. GRIGGS. Then I wish to withdraw my vote and be recorded "present."

Mr. GRIGGS was so recorded.

Mr. SWANSON. I desire to be entered "present," and to state that I am paired with the gentleman from Illinois, Mr. HOPKINS. If he were present, I should vote "no."

The SPEAKER pro tempore. Did the gentleman from Virginia [Mr. SWANSON] answer when his name was called?

Mr. SWANSON. I did not.

The SPEAKER pro tempore. The Chair thinks that under those circumstances the gentleman's name can not be entered.

Mr. SWANSON. I simply wanted to be entered "present."

The SPEAKER pro tempore. If the gentleman could be entered as "present," he could then change that response to a vote. The gentleman does not state that he was listening when his name was called and failed to hear it.

Mr. SWANSON. It was my impression that ever since the Fifty-first Congress the rule has been that a member present has the right to be entered "present."

The SPEAKER pro tempore. When a quorum fails to vote that would be the rule.

Mr. SWANSON. The simple question is as to the right of a member who is present to be entered "present." I understand the Chair to rule that, unless the member was listening when his name was called and failed to hear it, he can not be entered "present."

The SPEAKER pro tempore. The Chair so understands.

The result of the vote was announced as above stated.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and required to make full rebate of duties imposed by law on all coal of every form and description imported into the United States from foreign countries for the period of one year from and after the passage of this act.

Mr. PAYNE. Mr. Speaker, I would ask the Chair to call my attention to the fact after I have occupied ten minutes.

The SPEAKER pro tempore. Without objection, the Chair will recognize the gentleman from New York [Mr. PAYNE] to control the time on one side and the gentleman from Tennessee [Mr. RICHARDSON] to control the time in opposition. [After a pause.] The Chair hears no objection.

Mr. PAYNE. Mr. Speaker, it is useless, of course, to comment upon the lamentable strike that occurred last summer.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I did not hear the statement of the Chair in respect to the division of time. Will the Chair please repeat?

The SPEAKER pro tempore. The Chair said that he would recognize the gentleman from New York [Mr. PAYNE] to control the time in favor of the bill and the gentleman from Tennessee [Mr. RICHARDSON] to control the time in opposition.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the only correction I desire to make to the statement of the Chair is that I do not control any time in opposition to the bill. I control one-half of the time, and I accept it as one-half of the time; but I can not accept it as one-half of the time in opposition to the bill, for I am not opposed to it, nor is any other gentleman on this side of the House, so far as I know.

The SPEAKER pro tempore. The gentleman will be recognized.

Mr. PAYNE. Gentlemen well know, Mr. Speaker, that the coal strike continued for a period of five months, that it covered nearly the whole anthracite region of the country, and that during that time very little coal was produced, so that out of the 67,000,000 tons annually mined in the anthracite regions, there was a shortage of at least 24,000,000 tons as has been recently stated. This amounts to nearly 8 per cent of the entire production of coal in the United States, both anthracite and bituminous. When this session commenced, or after it had commenced, several bills were introduced for the abolition of the duty, or the suspension of it, for sixty or ninety days or six months, for a drawback of the duty, and presenting other propositions, and I think that occasionally there were perhaps one or two bills introduced for the entire repeal of the duty upon coal; but the situation then was not so acute as it has become since.

Every day since operations have been resumed at the mines the situation has grown more acute. At first we were told we would have plenty of coal when the mines were in full operation. So far as my own locality is concerned the situation there has been growing better. There is more coal, and I am informed to-day that every man can have coal delivered at \$6.50 a ton, which is but 75 cents a ton higher than it was a year ago; so that there has not been this emergency for the passage of any bill until since we met after the holiday recess. The Ways and Means Committee took the matter up and concluded that the best form and the best way to meet this emergency was by a bill granting a rebate upon duties for the period of a year. As has been said, in the case of the Chicago fire a rebate of all duties was granted upon everything used in building there except lumber, and in the case of the Eastport, Me., fire a rebate of duties was granted upon lumber alone. Those were emergencies.

The gentleman from Tennessee [Mr. RICHARDSON] says that we adopted Democratic doctrines. Why, no; to meet an emergency is not Democratic doctrine. It was not Democratic doctrine to meet an emergency even when the floods devastated the South and destroyed life and property there. The appropriations we then made were not in accord with Democratic doctrine. The Democrats voted for it then, and at the same time they were talking about the Constitution and the constitutional rights of Congress to appropriate money to aid sufferers in the South. The Republican party has always stood to aid these people whenever the necessity occurred, and they have dragged some Democrats into voting with them upon these questions, but it was not Democratic doctrine. I did not intend, however, Mr. Speaker, and should not have said a word about those matters, if politics had not been brought in by the other side. I simply want to know whether this bill is sufficient to meet the emergency in this case.

I do not believe we are going to get more coal into this country or that we are going to get it cheaper in this country. It may be that while a few benevolent people have clubbed together in some towns and are importing coal direct and bringing it into this country and selling it at cost, that they will sell that coal to the poor people in their localities with the duty taken off, but the difficulty with the price of coal to-day is that there are so many men in the United States who are willing and anxious to make money out of the necessities of their fellows. Now, I do not know where we can place the blame in this case. The gentleman from West Virginia [Mr. DAYTON] says that he blames it upon the interstate-commerce law. That is the first time I have heard that idea suggested.

I understand that the railroads lay the blame upon the independent mine operators, that they are charging too much for their coal, and that the mine operators lay the blame upon the people in the locality—the retail dealers in coal. I think it may be that all of them are somewhat to blame, and all of them are more or less seeking the opportunity to make something out of the sufferings of their fellow-men and out of the scarcity of coal. I am willing, in order to relieve the situation in the way that some people believe it can be relieved, to go to the extent of the passage of this emergency bill.

Mr. COCHRAN. Mr. Speaker—

Mr. PAYNE. Mr. Speaker, I can not be interrupted. I have only ten minutes.

The SPEAKER pro tempore. The gentleman from New York declines to be interrupted.

Mr. COCHRAN. The gentleman does not seem to be anxious to hear what I have to say.

Mr. PAYNE. Now, Mr. Speaker, when I was interrupted I was about to say that the imports of coal into the United States during the past two years were 2,000,000 tons per year. They were about double what they were after our friends put a 40-cent duty upon it in 1894. They have increased that much under the increased duty of the Dingley law. And while we are importing this amount of coal, a large portion of which has come from the British North American possessions, we have been exporting into Canada and into the other British possessions, mainly into Canada, some 6,000,000 tons a year.

We have not exported so much there this year because of the strike, which cut off the supply of anthracite coal. They are feeling the scarcity of coal in the British possessions north of us. Similar conditions, though not to a degree of famine, obtain there, and I do not look for a large supply of coal under any circumstances from the British North American possessions. We may get some from the United Kingdom. Possibly this may in some way bring more coal to us from the United Kingdom. If that is so, I shall rejoice as heartily as anyone over the success of this measure in that direction. But we bring it forward simply as an emergency measure. We do not bring it forward as expressing our ideas upon the question whether there shall be a duty upon coal. We do not bring it forward with that idea, Mr. Speaker, because of the conditions on the Pacific coast, because of the conditions in the State of Wyoming, because of the conditions where our white labor in the mines is brought into direct competition with the Chinese labor in the British North American and Western possessions. I add some figures with reference to the exports and imports of coal.

*Coal, anthracite and bituminous, imported from United Kingdom, Dominion of Canada (Nova Scotia, New Brunswick, etc.; Quebec, Ontario, Manitoba, etc., and British Columbia), Mexico, Japan, British Australasia, Germany, and Chinese Empire, and total United States imports, for the years ending June 30, 1894-1902, inclusive.*

#### IMPORTS OF ANTHRACITE AND BITUMINOUS COAL, 1894-1902, BY COUNTRIES.

##### FROM UNITED KINGDOM.

Year.	Anthracite (free).		Bituminous (duti-able).	
	Tons.	Value.	Tons.	Value.
1894.....	69,748	\$186,268	119,450	\$340,082
1895.....	76,420	195,564	100,615	315,228
1896.....	148,120	340,846	75,128	213,850
1897.....	85,628	196,021	54,469	150,909
1898.....	5,455	12,826	136,032	314,313
1899.....	409	1,895	106,860	263,294
1900.....	-----	-----	126,766	350,064
1901.....	-----	-----	54,160	200,455
1902.....	286	1,844	100,906	387,476

##### FROM DOMINION OF CANADA.

###### (1) Nova Scotia, New Brunswick, etc.

Year.	Tons.	Value.	Tons.	Value.
1894.....	222	\$1,260	57,965	\$109,546
1895.....	78	277	77,910	127,841
1896.....	384	1,723	123,404	216,688
1897.....	428	2,088	165,539	342,429
1898.....	191	949	99,157	127,921
1899.....	-----	-----	122,033	159,950
1900.....	-----	-----	568,913	794,605
1901.....	-----	-----	580,256	748,300
1902.....	-----	-----	669,820	1,077,960

###### (2) Quebec, Ontario, Manitoba, etc.

Year.	Tons.	Value.	Tons.	Value.
1894.....	2	\$14	39,306	\$94,665
1895.....	502	1,819	30,337	71,301
1896.....	1,244	3,851	39,987	91,962
1897.....	903	4,748	41,392	94,438
1898.....	186	908	36,921	80,409

#### Coal, anthracite and bituminous, imported, etc.—Continued.

##### FROM DOMINION OF CANADA—continued.

###### (2) Quebec, Ontario, Manitoba, etc.—Continued.

Year.	Anthracite (free).		Bituminous (duti-able).	
	Tons.	Value.	Tons.	Value.
1899.....	192	\$789	55,008	\$125,609
1900.....	37	156	31,819	74,287
1901.....	1	6	26,351	64,330
1902.....	3	16	29,203	72,936

###### (3) British Columbia.

Year.	Tons.	Value.	Tons.	Value.
1894.....	-----	-----	674,085	\$2,570,313
1895.....	-----	-----	721,174	2,684,816
1896.....	-----	-----	627,257	2,322,188
1897.....	17	\$57	607,657	2,225,710
1898.....	19	46	618,041	2,179,835
1899.....	-----	-----	652,926	2,450,850
1900.....	-----	-----	750,205	2,864,237
1901.....	-----	-----	905,539	3,480,942
1902.....	-----	-----	783,233	2,826,596

##### FROM MEXICO.

Year.	Tons.	Value.	Tons.	Value.
1894.....	-----	-----	49,949	\$117,120
1895.....	-----	-----	54,419	109,674
1896.....	-----	-----	72,056	146,813
1897.....	-----	-----	98,356	210,293
1898.....	-----	-----	108,103	201,428
1899.....	-----	-----	120,105	234,884
1900.....	117	\$543	75,084	144,914
1901.....	-----	-----	33,843	67,637
1902.....	-----	-----	4,887	9,155

##### FROM JAPAN.

Year.	Tons.	Value.	Tons.	Value.
1894.....	5	\$17	13,206	\$29,000
1895.....	-----	-----	11,769	23,006
1896.....	-----	-----	3,972	7,397
1897.....	2	9	1,579	3,928
1898.....	-----	-----	2,675	8,075
1899.....	-----	-----	7,552	21,412
1900.....	-----	-----	10,177	38,691
1901.....	-----	-----	7,011	17,341
1902.....	-----	-----	17,124	50,987

##### FROM BRITISH AUSTRALASIA.

Year.	Tons.	Value.	Tons.	Value.
1894.....	-----	-----	190,071	\$433,207
1895.....	-----	-----	262,364	512,651
1896.....	-----	-----	302,159	558,329
1897.....	-----	-----	286,329	510,973
1898.....	-----	-----	288,877	481,384
1899.....	-----	-----	191,968	355,436
1900.....	-----	-----	140,771	261,566
1901.....	-----	-----	366,288	790,019
1902.....	-----	-----	334,862	880,438

##### FROM GERMANY.

Year.	Tons.	Value.	Tons.	Value.
1894.....	3,004	\$6,199	-----	\$2
1895.....	-----	-----	619	1,538
1896.....	-----	-----	520	1,489
1897.....	-----	-----	250	595
1898.....	-----	-----	222	816
1900.....	-----	-----	100	428
1901.....	-----	-----	1,516	6,151
1902.....	-----	-----	898	3,339

##### FROM CHINESE EMPIRE.

Year.	Tons.	Value.	Tons.	Value.
1894.....	10	\$40	2,500	\$6,105
1895.....	-----	-----	40	149
1896.....	-----	-----	1,645	4,715
1897.....	-----	-----	2,264	4,897
1898.....	-----	-----	-----	-----
1899.....	-----	-----	350	2,100
1900.....	-----	-----	655	1,945
1901.....	-----	-----	-----	-----
1902.....	-----	-----	-----	-----

NOTE.—There was very little importation from countries not stated above.

##### TOTAL IMPORTS INTO THE UNITED STATES (GENERAL IMPORTS).

Year.	Tons.	Value.	Tons.	Value.
1894.....	69,987	\$187,599	1,148,454	\$3,704,113
1895.....	80,004	203,859	1,260,109	3,848,365
1896.....	149,748	346,420	1,243,835	3,559,283
1897.....	86,978	202,923	1,287,977	3,553,876
1898.....	5,851	14,729	1,273,311	3,401,301
1899.....	601	2,684	1,258,784	3,565,793
1900.....	156	704	1,707,076	4,476,032
1901.....	1	6	1,977,238	5,381,474
1902.....	302	1,958	1,941,422	5,310,450



Coal, anthracite and bituminous, imported from and exported to British North America for the months of November, 1901 and 1902, and for the eleven months ending November, 1901 and 1902.

COAL IMPORTED FROM BRITISH NORTH AMERICA.

	Anthracite.		Bituminous.	
	Tons.	Value.	Tons.	Value.
For the month of November—				
1901.....			132,602	\$338,321
1902 (total United States).....	34,659	\$163,402	153,386	428,528
For the eleven months ending November—				
1901.....			1,333,156	3,718,367
1902.....	53,428	251,447	1,495,316	4,013,861

COAL (DOMESTIC) EXPORTED TO BRITISH NORTH AMERICA.

For the month of November—				
1901.....	108,465	\$496,299	237,138	\$551,607
1902.....	129,466	679,266	285,131	753,212
For the eleven months ending November—				
1901.....	1,821,858	8,177,650	2,972,573	6,621,459
1902.....	750,835	3,529,767	3,386,365	8,632,585

COAL IMPORTED FROM BRITISH NORTH AMERICA, JULY-NOVEMBER, 1902.

July, 1902.....	(a)	(a)	131,417	\$313,722
August, 1902.....	(a)	(a)	122,139	308,089
September, 1902.....	(a)	(a)	137,350	367,671
October, 1902.....	(a)	(a)	143,201	396,553
November, 1902.....	(a)	(a)	153,386	428,528

a Not separated. See total imports into the United States below.

TOTAL COAL IMPORTED INTO THE UNITED STATES.

July, 1902.....			175,222	\$430,501
August, 1902.....	2	\$10	156,944	410,199
September, 1902.....	485	2,287	191,173	538,525
October, 1902.....	18,266	85,634	234,948	663,235
November, 1902.....	34,659	163,402	411,248	1,254,794

Importations of bituminous coal, dutiable.

NOTE.—Anthracite not returned by countries.

Imported from—	July.			
	1901.		1902.	
	Quantity.	Value.	Quantity.	Value.
United Kingdom.....	Tons. 443	\$1,867	Tons. 423	\$2,966
British North America.....	120,454	338,150	131,417	313,722
All other countries.....	39,954	102,710	43,382	113,813
Total.....	160,851	442,727	175,222	430,501

Imported from—	August.			
	1901.		1902.	
	Quantity.	Value.	Quantity.	Value.
United Kingdom.....	Tons. 11,038	\$45,105	Tons. 8,728	\$35,853
British North America.....	106,105	271,066	122,139	308,089
All other countries.....	24,719	66,374	26,077	66,257
Total.....	141,862	382,545	156,944	410,199

Imported from—	September.			
	1901.		1902.	
	Quantity.	Value.	Quantity.	Value.
United Kingdom.....	Tons. 6,547	\$26,258	Tons. 21,076	\$84,034
British North America.....	117,852	316,948	137,350	367,671
All other countries.....	27,649	74,178	32,747	86,820
Total.....	152,048	416,784	191,173	538,525

Imported from—	October.			
	1901.		1902.	
	Quantity.	Value.	Quantity.	Value.
United Kingdom.....	Tons. 9,235	\$35,494	Tons. 59,604	\$180,980
British North America.....	90,161	235,917	143,201	396,553
All other countries.....	16,378	42,723	32,143	85,702
Total.....	115,774	314,134	234,948	663,235

Importations of bituminous coal, dutiable—Continued.

Imported from—	November.			
	1901.		1902.	
	Quantity.	Value.	Quantity.	Value.
United Kingdom.....	Tons. 17,997	\$84,481	Tons. 246,669	\$796,399
British North America.....	120,450	232,770	143,386	428,528
All other countries.....	35,341	93,831	21,193	29,897
Total.....	173,788	451,082	411,248	1,254,794

NOTE.—Figures for November, 1902, are preliminary advance figures, Treasury Department.

Coal importations into the United States.

	Anthracite (free).		Bituminous (duti- able).	
	Quantity.	Value.	Quantity.	Value.
Twelve months ending June 30—				
1900.....	Tons. 156	\$704	Tons. 1,707,076	\$4,476,062
1901.....	1	6	1,977,238	5,381,474
1902.....	302	1,958	1,941,422	5,310,450
July.....	1901.....		160,851	442,727
	1902.....		175,222	430,501
August.....	1901.....		141,862	382,545
	1902.....	2	156,944	410,199
September.....	1901.....	10	152,048	416,784
	1902.....	485	191,173	538,525
October.....	1901.....	2,287	115,774	314,134
	1902.....	18,266	234,948	663,235
November.....	1901.....	85,634	173,788	451,082
	1902.....	34,659	411,248	1,254,794

NOTE.—The figures for November, 1902, are from advance sheets, Bureau of Statistics, Treasury.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, I have been listening very carefully to the chairman of the Ways and Means Committee [Mr. PAYNE], and also to the gentleman on the Committee on Rules [Mr. DALZELL]. The gentleman from Pennsylvania [Mr. DALZELL] charged the gentleman from Tennessee [Mr. RICHARDSON] with playing the hypocrite. If you gentlemen over there believe what you have said, and if I understand what the term "skulduggery" means, that is exactly what you have been guilty of in this measure. [Laughter.] You come in here proposing as an emergency measure to relieve the people, as you say, and at the same time insisting that it will not do so. Now what do you think about that for hypocrisy? Have they not got cheek? They say, "We are satisfied it is not going to do any good. We know it will not reduce the price of coal, but nevertheless it is an emergency measure, and we do not expect that anybody will stand in the way. In other words, we will just shove it right through, at the same time stating that it is going to do no good, and that it will not reduce the price of coal."

What about that for hypocrisy? That is another one of those deceptions of the people, doing no good, not expected to do any; and yet you propose to fool the people into thinking that you are going to do something for them. I think when the gentleman from Pennsylvania [Mr. DALZELL] stated that it would not have any immediate effect on the price of coal, he was correct in his statement; for when coal is selling in Washington to-day at \$8 a ton wholesale, and retailing anywhere from \$10 to \$15 a ton, I can not understand why people in Canada and elsewhere do not import their coal into this country and pay the tariff thereon. That is the strange thing to me, if that is true. It shows that the trouble is evidently somewhere else—perhaps the railroads.

But, Mr. Speaker, when we stand in this House to-day and insist on putting coal upon the free list, I want it understood that so far as I am concerned, at least, one Democrat knows that it requires revenue to run this Government; that we have got to levy a tax or a tariff upon something in order to produce sufficient revenue to run the country. I know that; but I undertake to say that if the experience of this country in the last twelve months has taught us anything, it is that coal ought to be on the free list. Gentlemen have done well, so far as that is concerned, in extending this time until the meeting of the next Congress. I agree with them on that. How do we know that in less than three months this strike will not be again repeated?

I notice in the newspapers this morning, and also from the statements of the gentleman from Pennsylvania [Mr. DALZELL] and of the gentleman from New York [Mr. PAYNE], that 24,000,000 tons of coal that ought to have been mined and now available in the country is not there, and has not been mined, by reason of a strike of the coal miners. Who knows when this strike is going to begin again? How do you know that it may not occur next

year, or this year, and be more extensive than it ever has been? And if there is one thing that the people must have, that one thing is coal. It is an absolute necessity. If there was nothing more in it than to provide other places where we may get coal while these strikes are on, we ought to have coal on the free list, so that we can get it from somewhere. We can not compel these people to dig coal. They will dig coal if they want to, or they will let it alone.

This thing had gone so far that it was proposed in some quarters by some of the ablest men in this country that the Government should take hold of this matter and condemn these coal mines and operate them for the public welfare.

The trouble about it is that you do not extend it long enough. In my judgment it ought to be on the free list, to counteract just such a condition as exists to-day. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Missouri.

Mr. COCHRAN. Mr. Speaker, it would be interesting to know precisely where the gentleman from New York [Mr. PAYNE] first felt the thrill of sympathy for shivering humanity which led to the explosion we have just listened to. Possibly had the magnitude of the emergency he talks about impressed itself upon him earlier, he could have told us about it without such a display of vehemence, not to say of emotion. However, it is commendable that even at this late date he has come to a realization of the fact that it is our duty to at least try to relieve that situation. Over thirty days ago, I think as much as forty days ago, I introduced a joint resolution precisely similar in import to the measure now before the House.

I went to the chairman of the Ways and Means Committee [Mr. PAYNE] and asked him if his committee did not regard it as advisable to consider and favorably report that resolution. An appalling danger threatened millions of people in his own State, yet a smile and an insinuation that there was no likelihood of any such action was his reply. It seems to have required numerous deaths from cold and exposure and the clamor of his own people for justice to arouse him, and now he comes here and says that while he does not think the passage of this resolution will do any good, he believes that Congress should do all within its power. Six months ago, not now, was the time for action.

The failure of the President to do his duty then made certain the appalling situation of to-day. When he was galloping over the country talking about regulating the trusts, he knew that his Attorney-General, although in possession of evidence enough to convict the lawbreakers who manage the coal combine in Pennsylvania, was making no efforts to protect the people from the great injury they have suffered. The fat fryers to whom your gentlemen owe your seats [applause on the Democratic side] are in charge of the Government, and who believes that fat fryers and their beneficiaries will ever move effectively against monopoly?

The President and his Attorney-General know as well as they know they are living that three or four railroads own the anthracite coal mines in Pennsylvania and are carrying on business in direct violation of the statutes of that State and the antitrust laws of the United States. Everybody knows that if the sheriffs and marshals would lay their hands upon these rich lawbreakers as they do in the case of petty lawbreakers, the atmosphere could be cleared in thirty days.

And think of the proposition that the interstate-commerce law is accountable for the distress resulting from the anthracite coal strike! Why, when the interstate-commerce bill was passed, the Supreme Court, that immaculate tribunal which, we are told, must not be criticized, forthwith drew its teeth and claws by depriving it of all useful plenary powers, and its most vital features were thereby destroyed. Every report of the Interstate Commerce Commission from that day to this has asked Congress to amend the law so as to empower the Commission to deal with just such lawlessness as that practiced by this coal trust, but the law remains unamended.

Presidents have found time to make loud declamations against trusts and combinations, but they have never found time to call upon Congress to perform this plain duty. The organization of monopolies goes on, publicly and notoriously, with not a finger lifted to prevent it. Gentlemen, monopoly means extortion, and the extent of its outrage will always be measured by the possibilities of the situation.

Ordinarily, monopoly means inordinate profits. In situations such as we are dealing with it means barefaced robbery. Meantime, I reiterate the statement that lawbreakers like Mr. Baer, the great and good men who claim to hold the right to operate monopolies by divine right, go unwhipped.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COCHRAN. In one-half minute more I want to say if this measure will not affect the price of coal, why not put it on the free list permanently? [Loud applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from New York [Mr. GOLDFOGLE].

[Mr. GOLDFOGLE addressed the House. See Appendix.]

The SPEAKER pro tempore (Mr. HEPBURN). The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BURLISON. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL], acting for the dominant party, has presented and caused to be adopted a rule, not alone limiting debate on this bill, but also providing that after debate the vote shall be taken and no intervening motion or amendment shall be allowed. Now, what is the real purpose of this rule?

Was it adopted because the well-known leaders on the left lack confidence that the members of their party would fail to vote down any amendment or motion they did not want? Oh, no; it was adopted to prevent record votes, indicating opposition to tariff revision, and also for the purpose of enabling members, when they return to outraged constituents, to hide behind the proposition that this rule had been adopted and that they had voted for the best measure of relief offered.

It is thus year after year the people are deceived. Mr. Speaker, I do not believe in the abdication of legislative functions on the part of Congress at any time or in any measure, but it has often been the policy of the dominant party to embody in tariff laws some such provision as this, which I will read, and after I have read it I want to ask the gentleman from New York [Mr. PAYNE], who has charge of this measure, why he did not add such a provision as an additional section to this bill:

SEC. 2. The President shall have the power and it shall be his duty if at any time after the expiration of one year after the passage of this act, he shall be satisfied that any agreement or combination has been entered into or understanding reached by and between the railroad companies engaged in the transportation of coal, or the owners or operators of the coal mines, or by reason of any strike or strikes, the effect of which is to increase the price of coal, to immediately suspend the duty prescribed in section 1415, Schedule N, of the tariff act of July 24, 1897.

Why do you not place anthracite coal on the free list?

Next year winter will come again, and the same conditions, the same combinations, the same indifference to public opinion, the same disregard of the public good which brought about the present deplorable conditions may present themselves, and again suffering and death will follow.

Why do you not make provision for permanent relief?

I will answer for you: for the same reason that the gentleman did not embody a section like that I have read in this bill. Because the great monopoly that controls coal in this country would not stand for it. The servants of the trusts did not dare to go against the bidding of their masters.

The question which has been raised by this extortion practiced by the coal monopoly presents only a phase of the trust issue. You have approached it haltingly. Such conduct on your part was to be expected. It is natural that you should deal with the trust issue hesitatingly and haltingly. You have full knowledge that the interests of the great masses of the people are arrayed on one side of this issue and the interests of those who put you in control of this Government's affairs and retain you there are on the other. You are between the devil and the deep blue sea. You can not run with the hare and at the same time stay with the hounds.

In the case in hand, when a remedy was really sought it seems there was but little trouble in finding it. The gentleman from New York [Mr. PAYNE] says he don't know where we can place the blame in this case. He hesitates between the railroads, the mine operators, and the retail dealers. If he is in doubt, he need not be. I will tell him where to place it. The real responsibility rests at the door of the Republican party.

Its absolute refusal to correct conditions which have resulted in rapid trust breeding within the past few years brings all these troubles. You are afraid to deal honestly with this great problem.

Within six days of the adjournment of the first session of the Fifty-sixth Congress you rushed through this House an antitrust measure which possessed some good features. We on the right then charged that you were insincere—that the measure would die where it was intended it should die, in the Senate end of this Capitol. During the national campaign which followed, this bill was constantly referred to as what the Republican party proposed to do with the trust question, but when the short session came it was not even remotely alluded to by any member of the dominant party. However, it served its purpose.

Your record on this issue is one of hesitancy and double dealing. The only statute on the books relating to trusts bears the



name of a Republican who voted against it, and it in fact, is in the main, the handiwork of a distinguished Democrat.

Surely there should be no hesitancy to take action against trusts, these menaces to the public good when one is brought to a full realization of the rapidity with which they are increasing, not alone in numbers, but in their ability to do harm.

The venerable senior Senator from Massachusetts, however poor he may be in practice, has lost none of his power to preach of the evil manifestations in our body politic. He has recently pointed out what the modern trust means. He says it means:

1. Destruction of competition;
  2. The management of local industries by absentees in the interest of absentee capital;
  3. Destruction of local public spirit;
  4. Fraudulent capitalization;
  5. Secrecy;
  6. Management for the private benefit of the officials;
  7. The power to corrupt elections, and in some cases to corrupt the courts;
- And which he might have added, is often used, conspicuously in the Presidential contests of 1896 and 1900.

8. The want of personal responsibility to public sentiment;
- And he might have added disregard of the public good.
9. The absence of personal liability for contracts or wrongdoing;
10. The holding of vast properties in mortmain—in the "dead hand," if we may use the ancient phrase of the English law. But it has life enough for all purposes of power to serve the will that wields it. It is dead only to the influence of any nerve which comes from the brain or heart of the people.

Congress will enact this measure of temporary relief as against one of these cruel monopolies, but what will you do to relieve the people from the oppression of the horde of "infant industries" which have developed into giant trusts and are feeding upon them? Let us examine the recent utterances of the chief exponent of your party's views and see if we can gather light.

One of two conclusions is forced upon any intelligent person who attempts to follow the development of the President's views on this great question.

Either he has no settled convictions regarding a correct remedy for this great evil, or he is afraid to announce his real views and seeks to mislead or involve in doubt anyone who attempts to ascertain the bent of his mind.

From the time we find him speaking so glibly in Minneapolis, in September, 1901, about "shackling, cunning, etc.," to his latest utterances on this subject, in his message sent to Congress at the beginning of this session, we find him, if the press has quoted him correctly, advocating different remedies at different times. At one time he urges the immediate adoption of a constitutional amendment increasing the power of the General Government to deal with this subject.

This suggestion, after the scathing denunciation of same by the junior Senator from Massachusetts, who emphatically stated that it was thoroughly impractical if not absurd, seems to have been at once abandoned. Next we find him advocating publicity as the real cure-all to be resorted to; but a careful reading of his message would indicate that some influence had been brought to bear which brought about on his part a change of faith in that policy as a remedial measure.

When the suggestion is made that a revision of the tariff so as to reduce all tariff charges which serve "to shelter monopoly" might afford a remedy, the President rushes forward with a suggestion that we create "a permanent tariff commission," whose duty would be, I suppose, to intelligently advise Congress of changes necessary to be made in our existing tariff laws.

When the attention of the country was directed to the utility of this suggestion by recalling our experience with a tariff commission under the administration of President Arthur, when not a single recommendation made by it was observed, then we hear no more of a "permanent tariff commission" to advise Congress. But the suggestion of "a permanent tariff commission" involved the idea that some change in our tariff laws should be made, yet when it is shown that if revision is what is really wanted and that a tariff commission would result in nothing but delay, was in other words a mere subterfuge and a fraud, then we find the President undergoing still another change of mind. We find in his message that he says:

Many of the largest corporations, many of those which should certainly be included in any proper scheme of regulation, would not be affected in the slightest degree by a change in the tariff, save as such change interfered with the general prosperity of the country.

I am satisfied he must have had in mind the steel trust, the consolidated or amalgamated steel companies. They would not be affected in the slightest degree in their profits by a revision of the tariff; of course not; and hence their complete indifference to this suggestion of tariff revision.

The President in his message says further:

The only relation of the tariff to big corporations as a whole is that the tariff makes manufactures profitable, and the tariff remedy proposed would be in effect simply to make manufactures unprofitable.

I am quite sure he must have had in mind the steel trust again, or maybe the agricultural implement trust, both of which, after

paying ocean freight, undersell similar goods manufactured in free-trade England, and of course they are selling at a loss; it is the generous way of our Yankee trader!

Our President further states in his message that—

To remove the tariff as a punitive measure directed against trusts would inevitably result in ruin to the weaker competitors who are struggling against them.

Now, I know he must have had in mind the steel trust, because it is well known to us all how many weak competitors are struggling against this giant monopoly, which at all times commands the best talent for its service not alone within its factories but elsewhere, even on the floor of this House.

The President makes the statement, which one would think was decisive of his attitude on this question, that—

The question of regulation of the trusts stands apart from the question of tariff revision.

And yet, Mr. Speaker, anticipating that the people would demand relief from the cruel exactions of the coal trust, and knowing that when the pinch of cold was felt the people would not tolerate any equivocation, or temporizing with their just demands, the President in effect contradicts himself in his message by recommending that the tariff on anthracite coal should be removed.

He also said in this message, speaking of the revision of the tariff, that—

There must never be any change which will jeopardize the standard of comfort, the standard of wage of the American wage-worker.

By this I take it he meant to convey the idea that a reduction of the coal tariff would reduce the wages of the coal laborers. Now, if the regulation of the coal trust stands apart from the question of the repeal of the tariff on coal, why does the President, when the crisis comes, when he knows that action must be taken, when the period arrives when the trust can no longer be served without outraging the people to such an extent that it would arouse their active resentment, why does he urge the removal of the duty, and why do you, the leaders of the Republican party on this floor, come with laggard steps, it is true, offering the same remedy?

Oh, what a tangled web we weave  
When first we practice to deceive!

Mr. Speaker, what brought about the conditions which make this bill, which ought to permanently repeal the duty on anthracite coal, necessary? A few months ago the thousands of laborers who are engaged in mining anthracite coal requested an increase of wages, stating that the wage they were receiving was so scant that it did not enable them to give proper food and clothing to their wives and children. This request was denied, the same heartless instrumentality speaking for the coal trust then that now, in its efforts to recoup its losses, permits suffering on the part of the poor of this country.

As a result of this denial a strike was ordered—the only means offered organized labor to protect itself against the greed, the rapacity, and the brutality of consolidated wealth.

This strike continued for months, and notwithstanding the suffering it must have entailed on the families of the unfortunate coal miners, they conducted themselves with creditable forbearance. Finally, by stress of public opinion, the coal operators and railroads engaged in transporting coal, which together constitute the coal trust, were forced to accept propositions of arbitration, and coal mining was resumed.

Now, while the matters of dispute are still under consideration the coal trust attempts to recoup itself, and the price and supply of coal is such as to occasion intense suffering on the part of the people. What remedy do you, the membership of the dominant party, propose? The emergency is upon you. You must act. Notwithstanding your obligation to the trust, your disinclination to do anything inimical to their interests, you realize the people demand action. They insist that something be done by you to take them out of the clutches of this trust, which now sorely distresses them.

You offer to do what Democrats contend will in all such cases bring the consumers in this country relief. You offer the remedy of tariff revision. Yet from your standpoint you are pitifully inconsistent, and you know it.

What becomes of your stock argument that the tariff duty is a tax levied for the protection of American labor against the pauper labor of Europe? You have often sung the song, but now you are driven, looking at it from the orthodox Republican standpoint, to open the door to coal mined by pauper labor in England and Chinese labor in the Dominion of Canada, as was so plainly described by the gentleman from Wyoming a moment ago, and that, too, when the unfortunate miner is most in need of this vaunted protection against the pauper labor referred to.

Either you were hypocritical when you resorted to this argument or you are cruel now to the coal miners, who need all the help they can get to recover from the distress occasioned by the long strike.

You are not cruel. Your hearts are gentle and kind. This condition only serves to expose the rank hypocrisy of the Republican party on this tariff issue.

It has never been claimed by even its strongest partisans that the Republican party is other than a party of expediency. Your actions to-day once again accentuate this fact, for you recognize a sentiment is growing in this country in favor of tariff revision as an effective means of destroying monopolies, especially monopolies controlling the necessities of life.

No cry of "stand pat" can check it. No specious plea for "a nonpartisan tariff commission" to be appointed by a partisan of the high-protective policy will be permitted to delay it. No promise of "a revision of the tariff by its friends" will be accepted. This sentiment is not of a day's growth. Long ago it manifested itself in the great agricultural State of Iowa, as I had occasion to state during the last session of Congress, when I quoted from the governor of that State to the effect that he opposed "any tariff which afforded a shelter for monopoly." It was on yesterday again echoed by the junior Senator from that State. In fact, it has gathered such force and momentum that it has swept from office another distinguished son of that State, the presiding officer of this august body.

Mr. Speaker, in my opinion, we have outgrown the fetich of protection, especially protection which fosters monopoly and permits our own people to be pillaged in order that a trust may undersell those engaged in the same line in foreign markets, and that, too, at a price lower than we are charged at home for the same product.

The people will no longer be led astray by false and specious arguments. They are at last beginning to realize that they have been made the victims of injustice and extortion. They desire a revision of our outrageously oppressive tariff laws. They will demand a return of those days when equal rights were accorded to all and special privileges granted to none. Then the consumers of this country will be no longer taxed for the benefit of trusts and monopolies.

When this demand is earnestly made by the people, then the Republican Party will certainly go out of power. [Applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I hope that gentlemen on the other side will use some of their time. We have had four speeches on this side.

Mr. McCALL. I should like to ask the gentleman from New York [Mr. PAYNE] a question.

The SPEAKER pro tempore. Does the gentleman from New York yield?

Mr. PAYNE. Yes, sir.

Mr. McCALL. I should like to ask whether in the gentleman's opinion the rebate provided by this bill would apply to coal in bond at the time of the passage of the bill?

Mr. PAYNE. I think undoubtedly it would do so, because this rebate is a full rebate, a full discount on all coal coming into the United States; and the duty is not due until it is taken out of bond and enters into consumption. So that I have no doubt in answering the gentleman's question.

Mr. RICHARDSON of Tennessee. About how much coal is now in bond?

Mr. PAYNE. I will ask unanimous consent of the House to publish in the RECORD some tables on that subject. They have been prepared by the clerk of the committee, and are interesting. I ask unanimous consent for that purpose.

Mr. RICHARDSON of Tennessee. I ask that such leave be extended so that all members may have leave to print remarks in the RECORD on this bill for five days.

Mr. PAYNE. I have no objection to that.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. RICHARDSON] asks unanimous consent that all members may have leave for five days to print in the RECORD remarks on this question. Is there objection? The Chair hears none.

Mr. PAYNE. I will put those figures in the RECORD. I yield two minutes to the gentleman from West Virginia [Mr. DAYTON].

Mr. DAYTON. Mr. Speaker, representing a large coal-producing State, I want to say that I am satisfied that every man in that State would gladly do anything and everything in his power to relieve the famine and the distress that has come to the country on account of the scarcity of coal. At the same time I do not believe, nor can I by any logical process reach the conclusion, that this measure will afford a particle of relief. If it was possible for coal that was selling before the strike at 80 cents at the mines to be brought in competition with foreign coal simply by the release of a 67-cent duty, no man can tell me that, under the present extraordinary conditions, coal selling at the mines and commanding a price of from \$3 to \$4 a ton will be affected by this duty.

It seems to me, sir, that if the House wants to accomplish a remedy it can be done in a more practical way, and I say, simply as a suggestion, that if you will suspend for sixty days the provi-

sion of the interstate-commerce law which prohibits railroad companies from discriminating in the carrying of freight the miners in the coal-producing States will bring this famine to an end by producing a sufficient amount of coal.

I know it to be true that to-day the mines in my section are not running more than half time, simply because the railroads can not possibly handle the coal that is offered to them. It is simply an impossibility for them, with the motive power and the cars at their command, to move in one month's time an amount of coal that requires under ordinary conditions six months' time. Allow the coal roads for a limited period to refuse or discriminate against all other freight and devote, all, or nearly all, their cars and engines to the transportation of coal and I am sure, so far as soft coal at least is concerned, the famine will end. This they can not, as I understand, do under the requirements of the interstate-commerce law.

[Here the hammer fell.]

Mr. PAYNE. I yield two minutes to the gentleman from West Virginia [Mr. GAINES].

[Mr. GAINES of West Virginia addressed the House. See Appendix.]

Mr. PAYNE. Mr. Speaker, how much time have I remaining? The SPEAKER pro tempore. The gentleman has seventeen minutes remaining.

Mr. PAYNE. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am opposed to this measure, first, because I do not believe it will afford the relief desired and expected, for if foreign coals could be had in great enough quantity to break the present coal famine throughout the East, those coals would now be seeking and reaching our shores regardless of the 67 cents per ton tariff, in view of the fact that coal is selling all the way from \$1 to \$5 above its normal price.

I believe this legislation will utterly fail of its object. We are told that it is demanded by a strong public sentiment; that there is much popular clamor for it, largely brought about, in my opinion, by the extravagant statements of those Democratic doctrinaires who favor placing coal upon the free list; but its futility in relieving the situation and its efficacy before the expiration of the period for which it runs in depriving American miners of the opportunity of employment will be clearly demonstrated.

Foreign coals will not come to our Eastern ports under present conditions under this bill any more freely than they do now, but before a year shall have passed, during the summer season, when the demand is less, then foreign cargoes seeking markets will come into competition with our coal and will divide the trade, even though there be no reduction in price below the average or normal price at such season, and our mines will in that way be deprived of a considerable portion of their market.

It will not necessarily follow that the price of coal at the seaboard will be lowered by the abolition of the duty, provided foreign coals are relieved of the payment of the duty. Without a reduction in the normal or ordinary price of coal, our coal mines will lose a large portion of their trade and our miners a corresponding portion of their employment by the operation of the well-understood rule of trade that two articles of similar quality and character competing for the trade will, at an equal price, divide the market.

In the second place, I am opposed to the bill because it threatens to deprive the mines of my State of a large part of their market.

The coals of my State largely come in competition with coals which pay a less freight haul than we pay, mined by Chinamen in the mines of Canada, and; though there be no reduction in the present price of coal in the markets we supply, our coal will be largely displaced by foreign coals by the operation of the rule I have referred to. It is not necessary to reduce the price of coal in any market which the coals of Wyoming reach in order to deprive those coals of a large proportion of their market, providing, as under the provisions of this bill, you relieve the foreign shipper of the payment of duty.

Relieve him of 67 cents per ton of duty, and while he will not necessarily reduce the price of his coal, he will be able to meet the price our operators now make, and by so doing at least secure a large portion of our trade. A considerable portion of the five and one-half million tons of coal mined annually in my State now finds markets which will be sought under the provisions of this bill by coal mined in British Columbia and on Vancouver Island.

We have recently enacted a bill which keeps from our shores the Celestial, but by the passage of this act we open our seaports to his products. It will not reduce the price, and I wish the gentleman from Tennessee [Mr. RICHARDSON] to understand me on this point, because he does not seem to have done so. It will not reduce the price, in my opinion, one penny to the purchaser in the



markets that our coals now find, but by relieving the foreign coal of the payment of the 67 cents duty, it will allow them to come into our markets on more than even terms, and secure a very considerable portion of our trade.

I appreciate the fact that if the gentlemen on the other side were given the opportunity they would attempt to place coal on the free list, the result of which would be to absolutely wipe out a large portion of the industry in my State and in the adjoining States in the West.

The gentleman from Tennessee, the leader and spokesman of the minority, as well as all the gentlemen who have spoken on the Democratic side, has assured us that if his party were given the opportunity they would place coal permanently on the free list, and I thank God, as I desire the growth and development of my State and the prosperity of its people, that the time seems far distant when they shall have a majority in this House and an opportunity to destroy our industries.

They talk eloquently of their solicitation for the welfare of our people, but whenever an opportunity offers to strike at an industry giving employment to large numbers of people they never fail to do it.

My party has been dragooned into this futile and foolish application of a homeopathic dose of free trade because our Democratic friends, taking advantage of a temporary condition of real distress and coal shortage, have convinced a lot of unthinking people that the coal tariff is responsible for it. We know it is not, and we should stand by our convictions.

I sympathize with those poor people who are paying exorbitant prices for coal as much as any member of this House, but I am opposed to opening our splendid markets to foreigners in a futile attempt to relieve the situation at the expense of our own mine workers.

No people in the Union are more vitally interested in this legislation than those I represent.

When we seek a market at San Francisco or Puget Sound points we find there not only Japanese and English coals, brought over in ballast, but coals mined by Chinese labor on Vancouver Island, which reach our ports with a water freight which is but a fraction of the railway rates we pay to reach the same market.

In the States north and northwest of us, where we find large markets, we come in competition with coal mined at Gault, Lethbridge, and other points in British Columbia. These coals are also mined by Chinese labor of the lowest type. They have no greater, and in some cases a less, freight haul than our coals, so that we are at a disadvantage both in cost of mining and in freight rates.

The tariff alone makes it possible to hold our markets against Canadian coals.

We have thousands of square miles of coal territory in my State. Coal mining is one of our most promising industries. Under the Republican policy of protection the industry has prospered, and I deeply regret that our party in the House of Representatives has been stampeded into the advocacy, even as an emergency measure, of this un-Republican legislation.

My only consolation in the present situation I find in the fact that the Republican majority of the House stands firmly by the doctrine of a protective duty on coal, which assures me that after the expiration of this measure, if it become a law, and the passing of the popular error which demands it, we may be assured that there will be no further tinkering with the coal tariff; and I cherish the hope that the damage threatened the labor and the capital of my State by this legislation will be minimized by reason of the fact that, should it be enacted, it will only be in force a year, and will therefore hold out no inducement to our Canadian competitors to open new mines or largely increase their output.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

Mr. PAYNE. I would state that that has already been granted. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. GROW].

Mr. GROW. Mr. Speaker, the history of anthracite coal production for a number of years shows that the production during the winter months, and I mean by that the entire production in anthracite, is not equal to the consumption for those months. Heretofore there has been a surplus at the end of the summer months of from fifteen to twenty millions of tons. The trouble to-day is that if the anthracite coal mines since the strike produced to their full capacity and the miners worked every day, which they have not done, the production would not equal the consumption heretofore during the winter months.

That permits the dealers who have coal to ask what price they please. There is no combination between the producers of coal. The Reading Railroad imposes upon its agents the condition that they shall not sell their coal for more than about \$7 a ton. But

they do not and can not produce enough to meet the market. Now, there is the trouble. So there is no occasion for this declamation against men honorable in business that they combine to make money out of the distresses of women and children. The charge is too often made by men ignorant of the facts in business.

Mr. Speaker, that is all I desire to say, that the state of things results from existing facts, and it results because the miners last summer did not produce a ton of coal during the period when they would ordinarily have provided a surplus for this winter of from 15,000,000 to 16,000,000 tons of coal.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who informed the House that the President had approved and signed bills of the following titles:

- On January 13, 1903:
- H. R. 179. An act to amend the internal-revenue laws;
  - H. R. 1347. An act granting an increase of pension to Charles H. Webb;
  - H. R. 2440. An act granting an increase of pension to William D. Smith;
  - H. R. 2598. An act granting an increase of pension to Adrian M. Snyder;
  - H. R. 3513. An act granting an increase of pension to James W. Young;
  - H. R. 3745. An act granting an increase of pension to George Kerr;
  - H. R. 3825. An act granting an increase of pension to Lizzie I. Rich;
  - H. R. 4262. An act granting an increase of pension to Thomas P. May;
  - H. R. 5038. An act granting an increase of pension to William H. Hudson;
  - H. R. 5480. An act granting an increase of pension to John C. Nelson;
  - H. R. 5758. An act granting an increase of pension to Newton W. Elmondorf;
  - H. R. 5883. An act granting a pension to Martha A. Hollingshead;
  - H. R. 5888. An act granting an increase of pension to Potter Poutney;
  - H. R. 5951. An act granting an increase of pension to Ole Thompson;
  - H. R. 6970. An act granting an increase of pension to Monora Stimson;
  - H. R. 7109. An act granting an increase of pension to Stanton L. Brabham;
  - H. R. 7618. An act granting an increase of pension to Thomas Sheridan;
  - H. R. 7878. An act granting an increase of pension to William J. Remington;
  - H. R. 8145. An act granting an increase of pension to Harvey B. Linton;
  - H. R. 8146. An act granting an increase of pension to Thomas H. Owens;
  - H. R. 8414. An act granting an increase of pension to George Atkinson;
  - H. R. 9219. An act granting an increase of pension to Colmore L. Newman;
  - H. R. 9691. An act granting an increase of pension to James H. Joseph;
  - H. R. 9807. An act granting an increase of pension to Hiram Janes;
  - H. R. 9883. An act granting an increase of pension to William Kelley;
  - H. R. 10005. An act granting an increase of pension to William A. Henderson;
  - H. R. 10263. An act granting an increase of pension to Daniel J. Byrnes;
  - H. R. 10325. An act granting an increase of pension to Joseph Stonesifer;
  - H. R. 10462. An act granting an increase of pension to Mary A. Munson;
  - H. R. 10679. An act granting an increase of pension to James H. McKnight;
  - H. R. 11579. An act granting an increase of pension to John A. Wright;
  - H. R. 11890. An act granting an increase of pension to James Brown;
  - H. R. 12009. An act granting an increase of pension to George Baker;
  - H. R. 12165. An act granting an increase of pension to Caroline M. Stone;
  - H. R. 12632. An act granting an increase of pension to Bailey O. Bowden;

H. R. 12777. An act granting an increase of pension to George H. Young;  
 H. R. 13052. An act granting an increase of pension to Charles K. Batey;  
 H. R. 13352. An act granting an increase of pension to Charles E. Brown;  
 H. R. 13457. An act granting an increase of pension to John S. Crosser;  
 H. R. 13467. An act granting a pension to Joseph H. Woodruff;  
 H. R. 13646. An act granting an increase of pension to John G. Heiser;  
 H. R. 13690. An act granting an increase of pension to Freeman R. Gove;  
 H. R. 13848. An act granting an increase of pension to James H. Chedester;  
 H. R. 13943. An act granting an increase of pension to Charles M. Grainger;  
 H. R. 14055. An act granting an increase of pension to Samuel Brown;  
 H. R. 14098. An act granting an increase of pension to Albert M. Scott;  
 H. R. 14144. An act granting an increase of pension to Fannie S. Cross;  
 H. R. 14355. An act granting an increase of pension to Timothy Donohoe;  
 H. R. 14377. An act granting an increase of pension to Jennett Stewart;  
 H. R. 14421. An act granting an increase of pension to John Q. A. Rider; and  
 H. R. 14732. An act granting an increase of pension to Grace M. Read.

## REBATE ON COAL.

Mr. PAYNE. I reserve the balance of my time, and ask the gentleman from Tennessee [Mr. RICHARDSON] to exhaust his.

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has eleven minutes remaining.

Mr. RICHARDSON of Tennessee. How much has the other side?

The SPEAKER pro tempore. Ten minutes.

Mr. RICHARDSON of Tennessee. I yield six minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, the distinguished gentleman from Pennsylvania [Mr. DALZELL] has given the House his confirmed judgment that this measure will be productive of no good. In that state of the case it would seem to be incumbent upon him or somebody else entertaining the same view to give the House and the country a reason for its passage. Upon any theory that calls for its passage or for similar legislation it is incumbent upon those who control legislation in this body and in the one at the other end of the Capitol to say to the people of the United States why the legislation has been delayed, why six weeks have passed without any action. And later on perhaps it may be as pertinently inquired why are other weeks permitted to pass without any definite action.

But the question whether this measure, passed at this time, in this form, will or will not be productive of substantial good is not the real question that lies at the bottom of the whole contention. Suppose that such a measure as this, or, better still, one of a permanent nature, relating to the same subject, had been upon the statute book a year ago, had been upon the statute book when the coal famine began, when people were unable to lay in their ordinary supply of winter fuel. Who doubts that then fuel would have come in gradually from abroad to meet a growing necessity, and that the condition of things which now exists would have had no existence whatever in this country? It is not a question whether this legislation, so tardily and grudgingly brought forward, will be productive of much good, but the real question is whether or not such a law as would relieve this prime necessary of life from an onerous burden would or would not be productive of good to the general American public. With such a law upon the statute book, with the great necessities of life relieved from burdens placed upon them for the benefit of a few selfish producers, who can doubt in the light of experience, both of the present and the past, that very much of good would come to the American people?

It is safe to predict that even with this law—limited and circumscribed in its terms as it is, and to last for but a single year—upon the statute book no such state of distress will arise or exist in this country next year as we have now. Because if there be next year, as there was last year, an extraordinary demand for fuel, with the source of supply cut off in this country, owing to causes that I have not time to discuss, or to any other cause, the lack will be supplied from abroad. Gentlemen need not fear that in the good year 1903 there will be the distress and anxiety on

account of the scarcity of fuel in this country which the past year, 1902, witnessed. If there be a blockade, from whatever cause, if there be a denial to the people of a reasonable supply of this or other necessary articles at reasonable cost, and if the artificial barriers be removed, if the opportunity be given the people to supply themselves from abroad, there will be no danger, no ground of apprehension, that suffering will exist such as is broad-spread to-day.

This legislation, or legislation on this subject, ought to have been enacted the very first day of the assembling of this Congress. Aye, if regard had been shown for the necessities of the American people, if any of the leaves of experience in this country's history in times of distress had been read, such legislation would have had a permanent place in the law long ago.

This legislation will serve in its small way as an object lesson; and because it will, because gentlemen upon the other side realize that it will, they are so reluctant to furnish the material for the lesson.

But the lesson is taught, the lesson will be coned, the lesson will be learned; and I believe, in the light of bitter experience, of suffering in the pinching cold, in the horrors of zero weather without fuel, the American people will determine that it is not good for them to bar themselves from sources of supply which nature has given, which only the artificial laws of man interfere with or shut off; and that in their wisdom, learning out of bitter necessity the lesson which went unheeded in times of less stress, they will call upon you, gentlemen, call upon their legislators of whatever party, to give them an opportunity to get the things which they are bound to have if they would escape great suffering, and, in some instances, if they would preserve life itself—to give them an opportunity to get those things without paying exorbitant prices and without unnecessary and hurtful hindrance. Gentlemen can not push back the ocean that is pouring in upon them. They can not stay investigation and experience by talk. [Loud applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from New Jersey.

[Mr. McDERMOTT addressed the House. See Appendix.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Has the other side exhausted their time?

The SPEAKER pro tempore. The time on the other side is exhausted.

Mr. PAYNE. I yield the remainder of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, the policy of the Democratic party as represented upon this floor seems to be to oppose this measure by bitter denunciation, attacking the friends of the bill; by assailing their motives and purposes in bringing in the bill, and then hide behind an affirmative vote in favor of the bill, and thereby attempt to play politics in the hour of the country's trouble and peril.

I may say to the gentleman from New Jersey that, so far as my vote in favor of the report of this bill and in favor of the rule under which it is being considered, and the vote which I shall give in favor of the bill upon its passage, it is not a measure, and not intended by me to be, an invitation to any country to come here to destroy a great industry in the United States. This measure is a measure of expediency and emergency; and if it be true, as the gentleman says, that there will be no relief under it, at the end of a year the precedent conditions will of themselves go into operation, and there will be no further trouble about them, but if the gentleman wants to carry on a scheme intended to destroy the industries of this country—those that we already have—he will not find me, and I do not believe any considerable number of Republicans on this side of the House, with him in his enterprise. I am still a protectionist, and have unlimited faith in the triumph of our own people.

We can produce our own coal when conditions reestablish themselves. We have more coal in the United States than all the world, so far as discovered. Four-fifths of the coal of the United States lies in a virgin condition, and we have the labor and capital, the machinery and genius to furnish our markets at a fair price, and American business men in the long run, or in the shorter run, will settle all these questions.

The gentleman from Tennessee assaults the Republican party because we have any tariff on coal, and wants to know why we did not put the article perpetually on the free list. Well, I might answer the gentlemen by asking him how he came to vote for a tariff of 40 cents a ton, and that, too, on a short ton, apparently a not much lower tariff than the present tariff of 60 cents a ton. Why did he do that; why did the Democratic party in both branches of Congress in 1894 perpetrate such an outrage as that,



if it is an outrage, by passing a 40-cent tariff on the short ton in the Wilson bill?

Something has been said by the gentleman from West Virginia [Mr. DAYTON] about suspending the operation of the interstate-commerce law. I join him in a benediction upon that subject. I was one of the 26 in this House that voted against the passage of the law originally, and I have no sort of doubt I did right.

Mr. GAINES of West Virginia. Will the gentleman yield?

Mr. GROSVENOR. If the question is not too long.

Mr. GAINES of West Virginia. I wanted to say that my colleague is only in favor of the suspension of the law. Neither he nor I are opposed to the interstate-commerce law. I, for my part, believe in that law, but believe that its operation ought to be so far suspended for a period of sixty or ninety days that prosecutions could not be had under it by roads diverting—

Mr. GROSVENOR. Oh, I understand the gentleman.

Now, Mr. Speaker, the Baltimore and Ohio Railroad, that enters the great coal fields of West Virginia, long ago issued an order which I have read, and which I presume the gentleman from West Virginia [Mr. DAYTON] fully understands, to receive nowhere along their line any full car freight, excepting coal, and that great system of railroad is to-day carrying coal exclusive of all other freights in so far as carload lots are concerned. I do not believe in the interference with the Interstate Commerce Commission. It has done no good; it is a powerless Commission; a Commission without power and without efficacy, and has worked out precisely what its opponents charged it would when it was up before the House for final passage. It has stood in the way and blocked by inelastic rules the natural action of the great law of supply and demand in the traffic of the country. I would repeal the interstate-commerce law to-day and create a commission within the Department of Commerce, the bill which is pending here. I would create a power there that could give some efficacy in remedying these troubles, an aid to the President in his work in this direction.

Now, the Republicans in this House have brought this measure here as an experiment, and with a hope that good may come of it. I shall neither give an opinion that it is going to be worthless or that it is going to be effective. I hope for the best. It is enough to say that there seems to have been a demand from all over the country for everything to be done that could be done to bring about some relief of the pinch of this coal famine. It will not affect the price of soft coal by competition anywhere this side of the Missouri River, unless possibly in New England. It could not do that, except possibly the cheaper and poorer coal of Nova Scotia may crowd the market at a later day in the summer in those States.

But, Mr. Speaker, lest I forget it, I would like to admonish my friends of the East, and the authorities in the East, that there are some things besides grumbling about railroad combinations that they might do to remedy their condition. If I was going to make a suggestion that would do more to relieve the people of the Eastern States from the chances and dangers of a repetition of the coal famine, I should advise them to take off the statute book the laws which they have passed; take out the regulations by city ordinances of the cities, which discriminate against bituminous coal. That is where they got themselves into the trouble that they are laboring under now. They worked this indirectly to create a power in this monopoly in hard coal and the effect is now being realized.

Let the people understand once and for all that the building up of a monopoly does not always exist necessarily in the combination of railroads, but the arguments that are made to the people about the cleanliness and the healthfulness of hard coal, and the bad effects of soft coal, by which law after law and ordinance after ordinance have been launched against this commodity, has done more than all else to prevent the accumulation of a supply of coal during the summer of 1902. Get rid of all these discriminations and let the people burn that fuel which they see fit to burn, and do not be alarmed about a little uncleanness as the result of the use of the commodity, and you will have a great deal more coal a year from now than you have at the present time.

Now, Mr. Speaker, I am not going to argue the case of the coal railroads of Pennsylvania that deliver this coal in New York. An investigation has been started at each end of this Capitol to try to find out what is the real trouble, and premature opinions are unwise. I predict now—and I give the prediction for the benefit of the gentleman from Missouri [Mr. COCHRAN]—I predict that it will be discovered that the combination that he attacks and charges with being criminal, and the combination whose members the gentleman from New York [Mr. GOLDFOGLE] says ought to be in the penitentiary, will be found to be the least important element in connection with this trouble.

The SPEAKER pro tempore. The time of the gentleman has expired. The time allowed for debate on this bill has expired.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER pro tempore. The question is now on the passage of the bill.

Mr. RICHARDSON of Tennessee. On that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 260, nays 5, answered "present" 3, not voting 86; as follows:

## YEAS—260.

Adams,	Eddy,	Kleberg,	Robb,
Adamson,	Elliott,	Kluttz,	Roberts,
Alexander,	Emerson,	Knapp,	Robertson, La.
Allen, Ky.	Esch,	Kyle,	Robinson, Ind.
Allen, Me.	Feely,	Lacey,	Rucker,
Applin,	Finley,	Lamb,	Ruppert,
Babcock,	Fitzgerald,	Landis,	Russell,
Barney,	Flanagan,	Latimer,	Ryan,
Bartlett,	Fleming,	Lawrence,	Scarborough,
Bates,	Fletcher,	Lessler,	Scott,
Beall,	Flood,	Lester,	Shackelford,
Belmont,	Foerderer,	Lever,	Shafroth,
Benton,	Fordney,	Lewis, Ga.	Shallenberger,
Billmeyer,	Foss,	Lewis, Pa.	Sheppard,
Bingham,	Foster, Vt.	Lindsay,	Showalter,
Boutell,	Gaines, Tenn.	Littauer,	Sibley,
Brandegee,	Gardner, Mass.	Little,	Sims,
Brantley,	Gardner, Mich.	Littfield,	Skiles,
Breazeale,	Gardner, N. J.	Livingston,	Slayden,
Brick,	Gibson,	Lloyd,	Small,
Bromwell,	Gilbert,	Lovering,	Smith, Ill.
Brown,	Gill,	McCall,	Smith, Iowa
Brownlow,	Gillet, N. Y.	McClary,	Smith, Ky.
Brundidge,	Gillett, Mass.	McClellan,	Smith, H. C.
Burgess,	Glass,	McCulloch,	Smith, S. W.
Burke, S. Dak.	Glenn,	McDermott,	Snodgrass,
Burkett,	Goldfogle,	McLachlan,	Snook,
Burleigh,	Gooch,	Maddox,	Southwick,
Burleson,	Graff,	Mahon,	Sperry,
Burton,	Green, Pa.	Mann,	Stark,
Butler, Pa.	Greene, Mass.	Marshall,	Steele,
Caldwell,	Griffith,	Martin,	Stephens, Tex.
Candler,	Grosvenor,	Maynard,	Stevens, Minn.
Cannon,	Grow,	Mercer,	Stewart, N. J.
Capron,	Hamilton,	Metcalf,	Sulloway,
Cassingham,	Haskins,	Mickey,	Sulzer,
Clark,	Haugen,	Miers, Ind.	Swann,
Clayton,	Hay,	Miller,	Tate,
Cochran,	Heatwole,	Minor,	Tawney,
Conner,	Hedge,	Moon,	Taylor, Ohio
Conry,	Hemenway,	Morgan,	Taylor, Ala.
Coombes,	Henry, Conn.	Morrell,	Thayer,
Cooney, Tex.	Henry, Tex.	Morris,	Thomas, Iowa
Cooper, Wis.	Hepburn,	Moss,	Thomas, N. C.
Corliss,	Hildebrandt,	Mudd,	Tirrell,
Cowherd,	Hill,	Mutchler,	Trimble,
Cromer,	Hitt,	Naphen,	Vandiver,
Crowley,	Holiday,	Neville,	Van Voorhis,
Crumacker,	Hooker,	Otjen,	Vreeland,
Currier,	Howard,	Overstreet,	Wachter,
Dable,	Howell,	Padgett,	Wadsworth,
Dalzell,	Hull,	Palmer,	Wanger,
Darragh,	Irwin,	Parker,	Warner,
Davey, La.	Jackson, Kans.	Patterson, Tenn.	Warnock,
Davis, Fla.	Jackson, Md.	Payne,	Watson,
De Armond,	Jenkins,	Perkins,	Weeks,
Deemer,	Jett,	Pierce, Tenn.	Wheeler,
Dick,	Johnson,	Powers, Mass.	White,
Dinsmore,	Jones, Va.	Prince,	Williams, Ill.
Dougherty,	Joy,	Randall, Tex.	Williams, Miss.
Douglas,	Kahn,	Reeder,	Wilson,
Draper,	Kern,	Reeves,	Woods,
Driscoll,	Ketcham,	Reid,	Wooten,
Dwight,	Kitchin, Claude	Rhea,	Wright,
	Kitchin, Wm. W.	Richardson, Tenn.	Zenor.

## NAYS—5.

Cushman, Jones, Wash. Mondell, Patterson, Pa.

Gaines, W. Va.

## ANSWERED "PRESENT"—3.

Broussard, Griggs, Kehoe.

## NOT VOTING—86.

Acheson,	Creamer,	Loudenslager,	Schirm,
Ball, Del.	Curtis,	McAndrews,	Selby,
Ball, Tex.	Davidson,	McLain,	Shattuc,
Bankhead,	Dayton,	McRae,	Shelden,
Bartholdt,	Dovener,	Mahoney,	Sherman,
Beidler,	Edwards,	Meyer, La.	Smith, Wm. Alden
Bellamy,	Evans,	Moody, N. C.	Southard,
Bishop,	Foster, Ill.	Moody, Oreg.	Sparkman,
Blackburn,	Fowler,	Needham,	Spight,
Blakeney,	Fox,	Nevin,	Stewart, N. Y.
Boreing,	Gordon,	Newlands,	Storm,
Bowersock,	Graham,	Norton,	Sutherland,
Bowie,	Hanbury,	Olmsted,	Swanson,
Bristow,	Henry, Miss.	Pearre,	Talbert,
Bull,	Hopkins,	Pou,	Thompson,
Burk, Pa.	Hughes,	Powers, Me.	Tompkins, N. Y.
Burnett,	Jack,	Pugsley,	Tompkins, Ohio
Butler, Mo.	Knox,	Ransdell, La.	Underwood,
Calderhead,	Lanham,	Richardson, Ala.	Wiley,
Cassel,	Lassiter,	Rixey,	Young.
Connell,	Long,	Robinson, Nebr.	
Cousins,	Loud,	Rumple,	

So the bill was passed.

The following additional pairs were announced:

For the vote:

Mr. PEARRE with Mr. LANHAM.

For the balance of the day:

Mr. BURK of Pennsylvania with Mr. MAHONEY.

Mr. BARTHOLDT with Mr. UNDERWOOD.

Mr. SHERMAN with Mr. TALBERT.

Mr. SWANSON. Mr. Speaker, I am paired with Mr. HOPKINS, of Illinois. I would vote "aye" if he were present.

The SPEAKER. That statement is not in order.

Mr. POWERS of Maine. Mr. Speaker, I would like to vote.

The SPEAKER. Was the gentleman present and listening for his name?

Mr. POWERS of Maine. I do not think I can state that.

The SPEAKER. The gentleman can not vote, under the rule.

Mr. BROUSSARD. Mr. Speaker, I would like to know if the gentleman from West Virginia, Mr. DOVENER, has voted?

The SPEAKER. He has not voted.

Mr. BROUSSARD. I am paired with the gentleman.

The SPEAKER. Call the gentleman's name.

The Clerk called Mr. BROUSSARD's name and he answered "present."

Mr. GRIGGS. Mr. Speaker, I am paired with the gentleman from California, Mr. LOUD. He is not present and I wish to withdraw my vote.

The SPEAKER. Call the gentleman from Georgia.

The Clerk called Mr. GRIGGS's name and he voted "present."

The result of the vote was announced as above recorded.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

#### ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill, with Mr. BOUTELL in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

#### ADJUTANT-GENERAL'S DEPARTMENT.

For contingent expenses at the headquarters of the several military departments, including the staff corps serving thereat, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, professional newspapers and periodicals, and police utensils, to be allotted by the Secretary of War, and to be expended in the discretion of the several military department commanders, \$7,500.

For contingent expenses of the military information division, Adjutant-General's Office, including the purchase of law books, books of reference, periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad, and of the branch office of the military information division at Manila, to be expended under the direction of the Secretary of War, \$10,000: *Provided*, That section 3682, Revised Statutes, shall not apply to the expenditure of this appropriation so far as it relates to the offices of the military attachés abroad and to said branch office at Manila: *And provided further*, That section 3648, Revised Statutes, shall not apply to subscriptions for newspapers and periodicals to be paid for from this appropriation.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Iowa [Mr. HULL] what is the meaning of the proviso that section 3648, Revised Statutes, shall not apply to subscriptions for newspapers and periodicals to be paid for from this appropriation, so far as it relates to the officers of military attachés, etc., at Manila? I ask the question in good faith.

Mr. HULL. It is to provide for little purchases of periodicals and matters for the department headquarters that have to be paid for in advance and come here and be approved. I will get the section in a minute. I will state to the gentleman that the department has requested a still further proviso, which I will submit in a few moments. The section provides that "no moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation." This allows them to pay their clerks there, as I understand it. By reference to page 132, Book of Estimates, there will be found the following:

It is desired that section 3682, Revised Statutes, shall not apply to the expenditure of this appropriation, in order that the military attachés and the officer in charge of the branch office at Manila may be enabled to employ natives to temporarily perform clerical services, as they can be obtained at very low rates of compensation.

Foreign book dealers and publishers as a rule refuse subscriptions to newspapers and periodicals without payment in advance, as they do not understand our methods; and it is desired that section 3648, Revised Statutes, shall not apply to these subscriptions, in order that the officer making them will not have to advance private funds and wait until the expiration of the terms of subscription for reimbursement, or have his accounts disallowed by the accounting officers of the Treasury Department.

Mr. CANNON. This does not change the law except for the year, then?

Mr. HULL. That is all.

Mr. CANNON. I very much doubt the wisdom, I will say to the gentleman, of suspending these two sections of the Revised Statutes. If they are necessary here in the United States, where we are under the white light of public criticism, and it was found

to be necessary to enact this legislation into permanent law which stood at the codification of the Revised Statutes away back a generation ago and still stands, much more is it necessary that there should not be a division or bureau—and I do not say that there will be—put at the discretion alone of whoever may be in command there, and this general appropriation available for their payment.

Mr. HULL. I would say to the gentleman that it does not increase the appropriation. They must administer it with proper economy, or they will run out of funds entirely. The appropriation is just the same, and according to the statement of the Adjutant-General it will be a matter of economy to permit them to hire these parties; and it is a matter of almost absolute necessity at Manila to allow them to purchase these newspapers and periodicals without advancing the money out of their own pockets.

Mr. CANNON. I want to call my friend's attention later on to the fact, if I understand it, that all this detail in the Army bill is largely deceptive; that there is a provision here that puts it all into one sum, I think, and that while they are seemingly specific—

Mr. HULL. That is for the pay of the Army only. That is my recollection.

Mr. CANNON. It does not apply then, to this?

Mr. HULL. It does not apply to these parts at all. I think if you will look you will see that it is for the pay of the Army—that is, all that the Paymaster-General disburses. I have not looked at it recently, but that is my understanding, that it is only what the Paymaster-General disburses. He has nothing to do with this.

Mr. CANNON. I will submit to the gentleman if he does not think it wise, if these sections of the statutes are suspended, that reports be made.

Mr. HULL. I assume that reports are made to the Secretary of War of the disbursement of every dollar of this fund.

Mr. CAPRON. That must be done under the general provision in the law.

Mr. CANNON. It may be made to the Secretary of War, but I do not know how much Congress may know of it.

Mr. HULL. I would say to the gentleman from Illinois that I would not raise any objection to an amendment, if he desires to offer it, providing that all such expenditures at Manila or by military attachés abroad shall be reported to Congress. If he will propose such an amendment as that I shall have no objection whatever to it. These sums are very small, as a rule, and I doubt if Congress would ever look at them.

Mr. CANNON. It seems to me that it is safer to have it done.

Mr. HULL. Suppose we pass this over without prejudice, and let my friend prepare the amendment.

Mr. CANNON. No; I want my friend to do that.

Mr. HULL. I do not like to prepare amendments.

Mr. CANNON. Suppose you pass it over for the present, then.

Mr. HULL. I have no objection to passing it over for the present. The Clerk can read.

The Clerk read as follows:

#### OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army, by telegraph or otherwise, \$160,000.

Mr. HEPBURN. I should like to ask the gentleman in charge of the bill [Mr. HULL] at what place he thinks it would be proper for me to offer the amendment I suggested to the gentleman?

Mr. HULL. I would suggest that he offer it when we come to pay the Signal Service. That deals with the officers.

The Clerk read as follows:

For the purchase, installation, operation, and maintenance of a submarine cable for connecting the headquarters Department of the Columbia with military garrisons in southeastern Alaska, said cable to extend from a point at or near Fort Lawton, Seattle, Wash., via Sitka, Alaska, to Juneau, Alaska, to be immediately available and to remain available until expended, \$485,000.

Mr. CANNON. I want for the present, until I can ask about this, to reserve a point of order on this paragraph.

The CHAIRMAN. The gentleman from Illinois reserves the point of order on the paragraph.

Mr. CANNON. I must confess that I am not familiar with the service now from the headquarters of the Department of the Columbia to Alaska. This seems to be for the purchase, installation, operation, and maintenance of this line. I may withdraw the point of order when I understand about it. I suppose private parties own this line now. Why should we buy it?

Mr. HULL. Mr. Chairman, I will say to the gentleman that the only line we have to connect with our military telegraph in Alaska is by way of the Dominion of Canada, and the Chief Signal Officer sent to the committee a very full statement as to the



reasons why this should be done. It was considered somewhat confidential, and the clerk did not bring it in. In other words, we have a large extension of lines in Alaska which it was necessary for the Government to take up or else have our men isolated and the Government unable to communicate with them during a large part of the year. We are now dependent upon another government entirely to reach those lines. It is proposed to build a line between the Department of the Columbia and our military lines in Alaska, and have the connections made entirely under the control of the American Government. That, in brief, is the reason for it.

Mr. CANNON. I call my friend's attention to the fact that this is not for construction, but for the purchase, installation, operation, and maintenance, and so on.

Mr. HULL. It is for the purchase of wire; it is not for the purchase of a line now built.

Mr. CANNON. Is not there a line already opened, in whole or part?

Mr. HULL. Not making this connection. There is a line connecting all our posts in Alaska, for which we had an appropriation in this bill three years ago and continued it, but it is not a line that connects the Department of Columbia with Alaska in any way whatever.

Mr. CANNON. Is there a submarine cable that we propose to buy in whole or part?

Mr. HULL. My understanding, it is not. I will give you the information outside of a letter of the Secretary.

Mr. CANNON. I do not desire to embarrass anybody.

Mr. HULL. The gentleman can read it, or anybody else. The map shows the part proposed to be built. It is intended simply to connect this Government over its own lines.

Mr. CANNON. Where is the headquarters of the Department of Columbia? Is that on the map?

Mr. HULL. I understand the Department of California is San Francisco, and then the Department of Columbia includes the States of Oregon and Washington, and I think is at Vancouver.

Mr. PARKER. The hearings on page 23 cover this.

Mr. CANNON. I will say to the gentleman that this is a matter of legislation, and in the absence of real necessity ought not to come up on a bill of this kind. I will suggest to the gentleman that he let it pass over until the bill is completed, and in the meantime examine it himself, because I am quite sure that my friend would not desire to purchase a submarine line.

Mr. HULL. We are not purchasing it.

Mr. PARKER. We buy the cable and lay it ourselves.

Mr. HULL. It will be laid by the Government of the United States. It will be constructed exactly as the line was constructed by the Signal Corps of the Army and used by the Government for its business, and I presume be opened for business outside.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. HULL. Certainly.

Mr. BARTLETT. I could not catch what the gentleman has been saying. I understand the gentleman from Illinois reserves the point of order. Do I understand that this will be an entirely new project, not work that we had already undertaken and is being continued?

Mr. HULL. It is a continuation, practically, of the Alaskan telegraph system.

Mr. BARTLETT. Now owned by the Government?

Mr. HULL. Now owned and operated by the Government. Over 1,100 miles in Alaska have been built by the Signal Corps upon appropriations made in the Army bill three years ago. I will read this much of the letter:

Without the present telegraph system of Canada, and until a cable is laid to Alaska from some point in the United States, the extensive Alaskan system of the Signal Corps, consisting of 1,121 miles, connecting military posts, is strategically left in the air.

Thus we have built nearly 1,200 miles of telegraph lines in Alaska and are now dependent on another government to allow us connection. I think, and very properly in my judgment, the Department thinks that it is an addition that we ought to at once build through our own territory and connect with our own line and our own country.

Mr. BARTLETT. I understand the gentleman to say that there are 1,100 miles in Alaska?

Mr. HULL. Over 1,100 miles.

Mr. BARTLETT. Owned by the Government?

Mr. HULL. Owned by the Government.

Mr. CAPRON. Built by the Signal Corps.

Mr. HULL. Mr. Chairman, I have no objection to letting this pass over, so that parties may examine it, without prejudice.

The CHAIRMAN. Without objection, the point of order is reserved and the section is passed over. The Clerk will read.

The Clerk read as follows:

For extra pay to expert riflemen, \$12,000: *Provided*, That expert riflemen, hereafter qualifying as such, shall receive \$1 a month in addition to their pay.

Mr. CANNON. I just reserve the point of order. This changes the law, as I understand. What is the necessity for it? What is to be its cost? Why should we pay expert riflemen; if so, why not all other experts?

Mr. HULL. Mr. Chairman, I will in answer say that the Navy Department does give their expert riflemen additional pay. There is a feeling all over the United States in the National Guard and in the Regular Army to encourage in every way possible those in the service to become expert shots.

This is new legislation subject, to point of order. The committee realize that, but believe it is in line of good administration, and it can not cost a very large amount of money. Twelve thousand dollars is appropriated here, and by the having an additional dollar, of course, afterwards it will increase, but it can not amount to a very large sum of money, and will largely increase the efficiency of the Army, in my judgment. I think the committee was unanimously in favor of the provision, and I think the people of the country are unanimously in favor of it, so far as we have heard from military organizations. It gives the expert riflemen of the Army the same pay that it gives the expert shots in the Navy.

Mr. GILLET of Massachusetts. What determines the expert?

Mr. HULL. The board that examines the record of marksmanship contests.

Mr. CANNON. What is the pay now?

Mr. HULL. He is a private soldier. They start in at \$13 a month and get extra pay for each year's service up to \$18 a month.

Mr. CANNON. Glancing through this bill, Mr. Chairman, it is considerably a legislative bill in this and many other provisions.

Mr. HULL. About the same as usual, including those reported by my friend from Illinois.

Mr. CANNON. I do not think so. On the contrary, I will say to my friend, in the kindest manner in the way of observation, that it is much easier to legislate by a provision like this, and touching the cable, and quite a number of other matters in this bill—it is much easier to legislate in connection with a general appropriation bill than it is to report and have each item considered on its merits. And in the general nature of things we tend constantly to increased legislation in connection with appropriations. I think to a greater extent touching naval affairs in the naval bill.

Mr. HULL. They report no other bill, and so they do all of their legislation upon that.

Mr. CANNON. Yes; but it seems to me that the tendency grows with the Military Committee, and I say it without any criticism, for it is in the nature of things. I do not think I would be justified in making the point of order if the committee was unanimous. I have no knowledge about expert riflemen; whether it is to end in an increase all along the line I do not know. Perhaps it ought to; I am not here to say.

Mr. HULL. If the gentleman from Illinois wishes, I will have read what the Secretary of War said on the subject.

Mr. CANNON. I would sooner have the opinion of my friend here and of his committee, with all due respect.

Mr. PARKER. Mr. Chairman, if the gentleman from Illinois will permit me, I will say a word about this matter. We already have a provision by general law for \$2 a month extra pay for marksmanship to coast artillerymen. This law is thoroughly stated by Secretary Root in a letter which is annexed to the report of the Military Committee. The committee has been utterly frank in the statement that this is new legislation, and has stated the reason for it. It is by special request of the Secretary of War.

When we remember that about every 200 shots go astray in every battle to one that hits, one expert who can hit every time is worth 200 men. To be able to shoot is the important thing in the Army. In the Navy all sorts of rewards are offered for expert shooting. They do not appear upon the naval bill for the simple reason that in the naval appropriation bill it has always been recognized that the President was the commander in chief of the Navy, as he is said by the Constitution to be the commander in chief of the Army, and all that the naval bill does is to appropriate a gross sum of money for the pay of the Navy, while the President by regulation can change from time to time, and fixes the amount that shall be paid to the various sailors for long service and for good service. The pay of the gunners and master's mates and all the various grades in the Navy are fixed from time to time according to the exigency of the service, and thereby they obtain expert shots by paying them for it.

It is possible that we should have a better Army if organized in the same way, but we only pay by strict military law. We pay the private so much pay, as fixed by statute, with a rise for his length in service; we pay the corporal so much, and the sergeant so much, and not a dollar more can we pay him although he is as valuable as 20 men. When we want to pay a little more to a man who, in time of war will be worth 20 other men, and want to

encourage expert efficiency with the rifle by an increase of pay, we have to come to Congress, and because a special bill would have little chance of being heard, we have to come by way of the general appropriation bill. We only ask to do what was done by special bill for the coast artillery, and is done without a bill all through the naval administration. I do hope the gentleman from Illinois will not only withdraw his objection, but say that he thinks it is a change that ought to be made for the good of the Army.

Mr. HEPBURN. I hope the gentleman from Illinois [Mr. CANNON] will not insist upon this point of order, for two reasons: First, because I think this is a most meritorious piece of legislation; and second, because I do not want the habit of objection to become chronic with my friend from Illinois. I have an amendment that I want to offer very soon, and I know it is subject to a point of order, and therefore I do not want this habit of objection confirmed so as to reach my case. [Laughter].

Mr. Chairman, I think a great deal may be said in favor of the proposition; this provision is one of the most important in this bill; and I should like it better if, instead of making provision for additional pay at the rate of \$1 a month, it provided for five times that much.

In the Army we used to spend days and weeks and months in drilling the troops. The regiment of which I was once a member spent, I know, months of its time in attempting to perfect the soldiers in mere matters of evolution; and we became so expert after a while that we could perform with reasonable accuracy every evolution known to cavalry tactics. And yet, so far as practical use is concerned, we never used a half dozen different movements in all the real service that we performed. A half dozen movements will cover all that any regiment of infantry performed during any war that we have had on this continent. Yet we spent months in drill of that kind, and very little time in target practice. My regiment never expended a cartridge of the Government in target practice authorized by the authorities. It has been shown that in the engagements of the Mexican war our army expended 70 cartridges in order to produce a result.

At the battle of Murfreesboro the Federal troops expended 119 cartridges to kill or wound a man. Yet as an illustration of the contrary experience we have a case where a perfectly drilled army—that is, an army drilled in target practice—was engaged in the battle of New Orleans, and 2,600 men engaged in that battle in resisting the attack of Pakenham's forces killed or wounded nearly 2,600 men. The first rank fired but three times; the second rank but twice. Every two and one-half shots produced a result. Those men were marksmen; they were drilled; they were men who could shoot the eye of a squirrel when he was in the top of a tree. They had learned their business. I think we can develop the efficiency of our troops by bringing into prominence this matter of target practice, striving to secure emulation among the men so that they will be what a great majority of men might be with practice.

Mr. CANNON. Mr. Chairman, in the presence of a unanimous Committee on Military Affairs, who believe this legislation ought to be had, and in view of the remarks of the gentleman from Iowa [Mr. HEPBURN], who heartily agrees with the committee, and who has had some practical knowledge about this matter, I will say that while the provision is clearly subject to a point of order, I think it behooves me, as I have but very little practical knowledge in the premises, not to insist on the point of order.

The CHAIRMAN. The point of order being withdrawn, the Clerk will resume the reading of the bill.

The Clerk read as follows:

Engineer battalion, \$32,116.

Mr. HULL. In that paragraph there is a typographical error. The word "battalion" should be "battalions." I ask that the "s" be inserted.

The CHAIRMAN. Without objection, the correction indicated by the gentleman will be made by the Clerk.

There was no objection.

The Clerk read as follows:

Additional pay for length of service, \$13,080.

Mr. HEPBURN. I move to amend by inserting after the paragraph just read the provision which I send to the Clerk.

The Clerk read as follows:

Provided, There shall be added to the Signal Corps of the Army, as now authorized by law, 1 colonel, 2 lieutenant-colonels, 4 majors, 8 captains, 8 first lieutenants: Provided further, That the vacancies thus created or caused shall be filled, first by the promotion of officers of the Signal Corps, according to seniority, and thereafter by detail from the line of the Army in accordance with existing law.

Mr. HAY. I rise to make a point of order against this amendment.

Mr. HEPBURN. I hope the gentleman will not make the point of order.

Mr. HAY. Well, I reserve the point.

The CHAIRMAN. The point of order will be reserved.

Mr. HEPBURN. Mr. Chairman, it will be observed that this amendment does not add any commissioned officers to the Army. The vacancies which will exist, should this provision become a law, will be filled, first, by promotion from the Signal Corps, and, secondly, by detail from the line. The only additional expense will be the greater compensation of one colonel, two lieutenant-colonels, and four majors, as compared with the compensation of a corresponding number of captains.

Now, there is a necessity for this increase. It grows out of the disproportion that now exists in this corps between the officers of the grade of field officers and those of the grade of line officers. In the Adjutant-General's corps all of the officers are above the grade of captain. The same is true in the Inspector-General's Office and in the Judge-Advocate-General's Office. In the Quartermaster's Department the percentage of field officers to total strength is 36.8; in the Subsistence Department, 37.2; in the Medical Department, 25; in the Pay Department, 51.9; in the Corps of Engineers, 30.8; in the Ordnance Department, 30.1; in the Signal Corps, 18.3.

If this addition should be made, the proportion of field to other officers would still be less in this corps than in any other. The present deficit places them at a disadvantage in all of the departments where the corps is represented on the general staff, and it ought not to be for that reason. Besides, there is a constant demand for the service of these officers, a constantly growing demand. This is becoming the scientific corps of the Army. Not only that, but with the new armament that we have, with the difficulty and impossibility of the use of cavalry, these officers are becoming the eyes of the Army. They are the means of information, they are the means of carrying and disseminating information, and this corps is rapidly becoming one of the most important in the Army. Therefore, as there is no opportunity of getting this in any other way, and as it is asked for and approved, as I am told, by the Secretary of War—certainly by the Chief Signal Officer—and as it is approved by the chairman of the committee and by other members of the committee with whom I have conferred, I do hope that my friend will not insist upon his objection and will allow us to have a vote on the matter.

Mr. HULL. Mr. Chairman, I want to say but one word or two. I understand the gentleman from Virginia reserves his point of order. The House, when it passed the reorganization bill, gave the Signal Corps almost what is proposed by this amendment, though not quite. The Senate reduced it to the point at which it stands in the law now. I want to say that a few days ago, when I learned that my colleague proposed to offer an amendment increasing the Signal Corps, I called on the Secretary of War and talked with him in regard to the matter, and while I did not know the number which was proposed, and that was not definitely talked over, he stated that he had become convinced that there should be an increase in the officers assigned to the Signal Corps. It is a matter that the committee has not investigated, except as it investigated it under the old reorganization act. That gave, I think, two lieutenant-colonels, as proposed by the gentleman from Iowa [Mr. HEPBURN] at this time. It gave an increase of majors, as proposed now, but I think not quite so many. I do not recall just what it was.

Mr. HEPBURN. If the gentleman will permit me, my recollection is that the only difference is that here there is a provision for an additional colonel.

Mr. HULL. With the same number of majors?

Mr. HEPBURN. I think that is so.

Mr. HULL. Be that as it may, I have no doubt in my mind but that the work the Signal Corps is performing, the amount of duties that devolve upon it, and the large scope of country they are serving in all cry out for an increase in this corps. I know that one gentleman with whom I am acquainted has been in the Philippine Islands and Cuba constantly since our Army landed in Cuba. The reason is that he could not be returned home because there were no officers to take his place.

Mr. HAY. I would like to ask the gentleman a question. Is it not a fact that General Greely, the general of the Signal Corps, was before the Committee on Military Affairs and did not ask for any increase?

Mr. HULL. Yes; that is my recollection, but he was not interrogated.

Mr. HAY. Well, my experience is that one does not have to interrogate these gentlemen in order for them to ask for something.

Mr. HEPBURN. If the gentleman will refer to General Greely's report, he will find that substantially this amendment is asked for.

Mr. HULL. And I think, if the gentleman will remember, General Greely, when the question of the number of Signal Corps was before the committee, was very urgent that we should not agree to the Senate amendment.

Mr. HEPBURN. I hope the gentleman will let us have a vote upon it.



Mr. HAY. Mr. Chairman, I do not wish to appear in the rôle of interfering in a matter of this sort, but the Committee on Military Affairs had General Greeley before it and he never asked for anything of the sort. The gentleman from Iowa [Mr. HEPBURN] says that it does not increase the officers in the Army. I do not so understand his amendment. It does increase the officers in the Army, and the Army is already topheavy with officers.

Mr. HEPBURN. Will the gentleman permit me to read a portion of the amendment which he undoubtedly did not hear?

*Provided further*, That the vacancies thus created or caused shall be filled, first by promotion of officers of the Signal Corps according to seniority and thereafter by details from the line of the Army, in accordance with existing law.

Mr. HAY. To what vacancies does the gentleman refer?

Mr. HEPBURN. As these men are pushed up there will be vacancies below, first lieutenants, that will be detailed from the Army.

Mr. HAY. Of course, but the first—

Mr. HEPBURN. I want to call the gentleman's attention, if he will allow me, to the fact that there is scarcely a possibility of the promotion of these gentlemen who are now captains and lieutenants in the Signal Corps. One gentleman who stands, I think, ninth or tenth, will not be promoted in the ordinary course of matters until 1926. He will have had to serve as a captain twenty-eight years before he is promoted. I submit that that is not fair, that that is not the incentive that ought to be held out to men, and I hope that the gentleman will allow this amendment.

Mr. HAY. I want to know where the officers are to come from who are to be added to the Signal Corps at once by the amendment of the gentleman.

Mr. HEPBURN. There are three officers to a company, say, of infantry. There will be some vacancies. They are not vacancies to be filled by appointment, but vacancies in the immediate discharge of duties there. There will be details, as details are now made.

Mr. HAY. You provide for the immediate appointment of colonels, majors, and captains to the Signal Corps. Where are they coming from, unless they are appointed?

Mr. HEPBURN. They will come from the line, as this provides.

Mr. HAY. Very well. Who takes the places of these officers of the line?

Mr. HEPBURN. Their places will not be filled.

Mr. HAY. It just shows that we can not consider sensibly in the Committee of the Whole an amendment of that sort, and therefore I must insist—

Mr. STEELE. I hope the gentleman will allow me to say one word.

The CHAIRMAN. Does the gentleman from Virginia yield?

Mr. HAY. Yes.

Mr. STEELE. If you will allow the adding of the words—

*Provided*, That this shall not increase the number of officers in the Army,

It will certainly not do so. There are a great many officers serving at these large posts who can be spared for temporary details. Therefore, in order to increase the number of officers in the Signal Corps you would only decrease the number in the line.

Mr. HULL. Mr. Chairman, if the gentleman will yield—

Mr. SLAYDEN. I will ask the gentleman if it is not a fact—

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. HULL. Oh, yes.

Mr. SLAYDEN. Is it not a fact that the net result of the amendment if adopted will be to increase the number of commissioned officers in the Army?

Mr. HULL. Mr. Chairman, under the general law, when an officer is detailed, his place in the line is filled from the lower grades. Others are promoted, and it increases the number of second lieutenants.

Mr. HEPBURN. If there is any doubt about this, I am willing to modify the amendment so as to make it certain.

Mr. HAY. I will withdraw the point of order if the gentleman from Iowa will add to the provision that there shall be no increase in the officers, either of the line or staff of the Army.

Mr. HEPBURN. Certainly.

Mr. HULL. If the gentleman does that he ought to strike out the part referring to the detail as now provided by law.

Mr. HEPBURN. No; I think not.

Mr. HULL. Just strike out the words "as now provided by law" and fill by detail only, for the reason that the law now provides that when an officer is detailed to the staff, the officers of the line are promoted up, and a new officer is put in, until the same number of men are serving as before. As they come back and forth after they are once detailed, the number of second lieutenants is not decreased, and, as things are now, there must, in the nature of things, be some increase whenever an officer of the line is detailed to the staff corps.

Mr. HEPBURN. Mr. Chairman, I move to strike out the words in the amendment offered by me, "in accordance with existing law," and add, "*Provided further*, That no addition to the number of officers in the Army shall be created by the foregoing provision."

The CHAIRMAN. Without objection, the modification will be made.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment submitted by the gentleman from Iowa.

The question was taken; and the amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, I ask unanimous consent of the House that the amendment just adopted may be inserted after line 23, on page 12; and I do that for the reason, at the place inserted here (I did not want to raise that question at the time when the amendment was offered), we are legislating for the enlisted corps of the Army, while on page 12 we are legislating for the officers of the Signal Corps of the Army.

Mr. HEPBURN. I certainly have no objection to that on my part.

The CHAIRMAN. Without objection the amendment will be inserted as suggested by the gentleman from Iowa, after line 23, page 12.

There was no objection.

The Clerk read as follows:

#### RETIRED OFFICERS.

For pay of officers on the retired list and for officers who may be placed thereon during the current year, \$1,000,700.

Mr. HULL. Mr. Chairman, there is an error of the printer there or an error in making up the bill. That should be \$700,000.

The CHAIRMAN. Without objection the Clerk will make the correction.

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman from Iowa how many retired officers have we?

Mr. HULL. I have not counted them up lately. This appropriation is simply for those who are there, who are on the retired list by law, and all that we do when the Department furnishes the estimate for the amount, is to appropriate the amount.

Mr. GAINES of Tennessee. Will the gentleman inform me how many were on the retired list when he was last informed?

Mr. HULL. I have not kept track of the retired list, but assume them to be there, and when the Department says that this is the number, we cut the amount some thousand dollars, with the idea that some will die. Of course there is no certainty that they will, and there may be a deficiency in this item.

The Clerk read as follows:

For pay of forty-two veterinarians, at \$1,500, \$63,000.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman from Iowa, or my colleague on my left, if we had 42 veterinarians during the recent war. In other words, has the number been diminished now that we have peace?

Mr. HULL. This is the number provided for in the reorganization bill, and all of them are employed. They have two with each regiment of cavalry and a certain number with the artillery, and it is the number provided for by existing law.

Mr. GAINES of Tennessee. Well, does it require as many veterinarians now when our Army is about 59,000, when we have peace, as it did when it was 100,000 and in active operation?

Mr. HULL. We have not reduced the number of regiments of cavalry or batteries of artillery.

Mr. GAINES of Tennessee. As you reduce the number of cavalry you would reduce the number of horses, would you not?

Mr. HULL. We do not reduce the number of regiments, companies, or posts.

The Clerk read as follows:

For expenses of courts-martial, courts of inquiry, and compensation of reporters and witnesses attending the same, \$20,000.

Mr. HULL. Mr. Chairman, there is another amendment, left out by inadvertence, that is in the law heretofore and should be now. Insert after the word "inquiry," line 20, the words "military commissions;" so that it will read: "For expenses of courts-martial, courts of inquiry, military commissions, etc."

The Clerk read as follows:

In line 20, page 14, after "inquiry," insert "military commissions."

The amendment was agreed to.

The Clerk read as follows:

For additional pay to officer in charge of public buildings and grounds at Washington, D. C., \$1,000.

Mr. LITTLE. Mr. Chairman, I would like to inquire what rank this officer held?

Mr. HULL. I think he is a captain in the Regular Army.

Mr. LITTLE. My understanding has always been when they go to fight they were given more pay than when they were put to civilian employment.

Mr. HULL. The gentleman does not understand this question at all.

Mr. LITTLE. That is the reason why I ask for information.

Mr. HULL. For the Superintendent of Public Buildings and Grounds it was provided by a law passed a great many years ago that while so serving he should have the rank and pay of a colonel.

Mr. LITTLE. That is the existing law?

Mr. HULL. That is the existing law, and has been for a great many years. This simply covers the difference in pay between the real rank and the rank of colonel; and if he were a major it would not require this amount.

Mr. LITTLE. I simply wanted an explanation, for information.

Mr. HULL. Since I have been in Congress there has only been one bill passed where there was no provision of this kind, and that was while Colonel Wilson, of the Engineer Corps, was Superintendent of Public Buildings and Grounds, and while so serving he became a colonel and this was left out.

Mr. LITTLE. This has been the current bill?

Mr. HULL. Certainly. It is the law.

The Clerk proceeded with the reading of the bill, and read as follows:

PHILIPPINE SCOUTS.

Fifty first lieutenants, \$80,000.

Fifty second lieutenants \$75,000.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman from Iowa please tell us if these Philippine scouts cooperate with our army in the Philippine Islands, or what connection they have with our Army? Are they a part of the army sent from the United States, or are these scouts natives?

Mr. HULL. The enlisted force are natives, but the officers are not. The law provides that all the field officers shall come from the Regular Army by assignment, the captains from the Regular Army, but the first and second lieutenants may come from the Regular Army or from civil life.

Mr. GAINES of Tennessee. How many scouts are there?

Mr. HULL. About 5,000.

Mr. GAINES of Tennessee. How large is the army that it is intended to keep in the Philippine Islands?

Mr. HULL. All I know about that is what the gentleman himself knows.

Mr. GAINES of Tennessee. It is about 23,000, says Mr. Secretary Root in his last report, if I remember correctly.

Mr. HULL. I think they are going to reduce it below that. I will say to the gentleman, however, that that is a question which may be agreed upon to-day and changed to-morrow. It is at the discretion of the President at all times.

Mr. GAINES of Tennessee. How much does it cost to maintain a soldier in the Philippine Islands, and how much in the United States?

Mr. HULL. That is a question that I have not figured out. With the scouts it would cost less than in this country. With the soldiers it is more, because we pay them 20 per cent more than if they served in this country. So it would cost 20 per cent more, besides the freight for taking his supplies over there from this country.

Mr. GAINES of Tennessee. Why I asked the question, Mr. Chairman, is because the last information I had was from General Breckinridge's report of last year. He stated that it cost \$1,285 a year for every soldier to maintain and equip him, exclusive of armament. I was informed a few days ago by the gentleman from Virginia [Mr. HAY] that there was an increased amount paid the soldier in the Philippine Islands, making the cost per soldier with equipment about \$1,500 a year. I wanted to get at the exact facts if I can.

Mr. HULL. The only way the gentleman can do that is to call upon the War Department and have their best mathematicians figure it out.

The Clerk proceeded with the reading of the bill, and read as follows:

Hereafter, in all payments to be made under the provisions of Army appropriation acts, when the rate of compensation is annual payment, shall be made monthly at the rate of one-twelfth of the annual rate, and of such monthly rate and of all other monthly rates of compensation one-thirtieth shall be the daily rate for computation of pay for fractional parts of a month; and for the purposes of this act each and every month shall be held to consist of thirty days, whether the actual number of days be greater or less.

Mr. CANNON. Mr. Chairman, reserving the point of order on that paragraph, I want to ask the gentleman from Iowa wherein it changes existing law.

Mr. HULL. Mr. Chairman, the Army pay tables for almost fifty years have been in exact compliance with this provision in the bill. It has passed the Treasury during all these years without a question being raised. It is entirely satisfactory to the Army, both the officers and the men, but the present Comptroller of the Treasury holds that, in the absence of law specifically stated, this method of computation can not be allowed; that they must

change the method of payment and pay only for the actual days, regardless of thirty days in the month.

In other words, for February they could only pay for twenty-eight days and for March they must pay for thirty-one days. It changes the entire computation tables of the War Department. It makes a difference in the method of paying the Army which has prevailed for more than fifty years and simply enacts into law a measure that will enable them to pay as they have all of these past years.

Mr. CANNON. The difference being that without this proposed legislation they get paid for three hundred and sixty-five days a year. With this the pay is for three hundred and sixty days for the year, and then the five days are paid besides.

Mr. HULL. My understanding of this is that they are paid so much a month of thirty days. The year is divided into twelve equal parts. If a man serves a year he gets exactly the same pay as he would by the other method.

Mr. CANNON. How are the men in the Navy paid and the people in civil life?

Mr. HULL. I understand the commercial law is largely like this provision of thirty days to the month. We pay so much a month where you pay a yearly salary. It is one-twelfth of the salary every month, same as is the case with members of Congress.

Mr. CANNON. This legislation, as I understand, is in harmony with the practice of the Government for a half century.

Mr. HULL. Yes; it is exactly in harmony with the way members of Congress are paid. Now, Mr. Chairman, I move to strike out the comma in line 1, page 17, after the word "payment," and insert it after the word "annual."

The CHAIRMAN. The gentleman from Iowa moves to amend, and the Clerk will read the amendment.

The Clerk read as follows:

Strike out the comma after the word "payment" and insert it after the word "annual."

The amendment was agreed to.

The Clerk read as follows:

That section 37 of the act of February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," is hereby repealed, and the Secretary of War is directed to muster out the Porto Rico Provisional Regiment of Infantry of the United States service on or before July 1, 1903: *Provided*, That the officers and enlisted men of the Porto Rico Provisional Regiment of Infantry shall, upon being mustered out, be paid two months' extra pay, to be paid out of the appropriation for pay of the Army: *Provided further*, That officers of the Regular Army serving with the Porto Rico Provisional Regiment of Infantry when mustered out of said regiment shall return to their lineal rank in the Regular Army and shall be paid for service with said regiment only for time actually in such service.

Mr. COWHERD. I want to reserve a point of order on that paragraph.

The CHAIRMAN. The gentleman from Missouri [Mr. Cowherd] reserves a point of order against the paragraph.

Mr. HULL. I want to say to the gentleman from Missouri—

Mr. COWHERD. Permit me to say that I reserve this point simply because I want to get some information.

Mr. HULL. The law creating this regiment provided that it should be retained in service until such time as Congress might take further action. It was not regarded as a permanent part of the military establishment. We have now reached the time when all authorities seem to agree that this regiment is no longer needed. It is maintained at the expense of the Government, but has absolutely nothing to do.

The coast defense or batteries there furnish a certain number of artillery; but the evidence before the committee, as submitted by the Secretary of War, was to the effect that without any United States soldiers peace could be maintained, good order preserved, and property and lives be protected by the civil authorities of Porto Rico alone. Therefore the committee struck out the appropriation for this regiment and inserted this provision, so that we might not have the anomaly of continuing this organization without providing for its pay.

Mr. COWHERD. Then, if I understand the gentleman, this will simply reduce the appropriation by that much, and reduce the Army to a corresponding extent.

Mr. HULL. It reduces the Army by this much, and reduces correspondingly the appropriation.

Mr. COWHERD. I should like to have read at the desk a paper which has been submitted to me upon this proposition. It is quite short.

The CHAIRMAN. The paper sent to the desk by the gentleman from Missouri will be read, if there be no objection.

There was no objection.

The Clerk read as follows:

Troops must always be kept in the island, and the Porto Rico regiment is by far the cheapest and most desirable. It can be sustained far more cheaply than a regiment of Americans, because the men do not draw "foreign-service pay."

It is composed of Porto Ricans of the middle class, the most loyal of all to the United States Government. It is efficient—highly so—as every inspector



has said for three years. The men are proud of the service, of the uniform, and the regiment.

They believe themselves to be a part of the Government, paid by it, and entrusted with the protection of the homes of their kindred against internal danger or possible foreign invasion. There has been more real, honest, loyalty bred in Porto Rico by the influence of the soldiers of the regiment than by all other causes combined. The people look upon the regiment as their own, and are loyal to the Government which garrisons their towns with their own sons instead of sending down regiments of another race.

The men are being given systematic daily instruction in the English language, and through them the knowledge and influence of the tongue is being spread over the island. They are being trained to fit them for duties of importance in their communities when they shall retire from the service. They are acquiring executive ability, "of which there is a woeful lack among the people," and will be able to render valuable service in civil life in positions requiring knowledge of the control of men and the best method of carrying on public work.

As a strong binding link between the common people of Porto Rico and the Government of the United States and as a public educator, the regiment is worth twice its cost. With a population in Porto Rico of 1,000,000 people, of mixed races upon a small tropical island, considerably more than one-half illiterate, ignorant, and barely self-sustaining, the actually vicious and dangerous element is naturally very large.

The excitable and revengeful disposition of the mixed Latin races makes it almost certain that under unusual excitement, or when large numbers of people are unemployed and ill fed, riots and dangerous disturbances are bound to occur. The American property interests are large and constantly growing, and are of the very kind that would suffer most severely in case of riots.

The insular police force, as it is now organized and must continue to remain, can not be depended on to cope with even a moderate emergency. Its officers are natives, untrained in the command and instruction of large bodies of men. The force is, and must be, so widely scattered that there is no chance for systematic and continued instruction in the use of firearms or even the rudiments of drill which must be used to meet a great emergency.

Under the circumstances, a state of discipline and efficiency can not be secured to make it possible for the officers to control their men and so direct their efforts as to make their service of proper effect if they had to be united in one organization for offensive or defensive purpose. Organized under political auspices, appointed by a political board, owing its existence to political support, it must always be an ally to the party in power.

The Government must always maintain an artillery force to garrison the fortifications, but under no circumstances could the men be withdrawn from the forts for the protection of property or life in the interior. The American business interests will always require and demand the presence of troops available for duty in case of trouble.

Mr. COWHERD. I want simply to say—

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. COWHERD. I withdraw it, but wish to say just one word. It has seemed to me that if we were going into the question of holding these island possessions according to the English custom, we could do nothing better than raise armies according to that custom, from the natives, in order to instill some kind of loyalty into those people. But I do not pretend to put my knowledge of the situation down there against that of the Committee on Military Affairs, if they think this regiment unnecessary.

Mr. HULL. There is no objection to such a regiment being recruited as part of the Army, but to support this regiment there as has been done is an utterly uncalled-for expense to the Government. As soon as the Committee of the Whole resumes its session, after rising informally to receive a message from the Senate, I will offer an amendment which I think will meet the gentleman's views.

Mr. COWHERD. I withdraw the point of order.

Mr. HULL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 16567) making appropriations for the support of the Army for the fiscal year ending June 30, 1904, and had come to no resolution thereon.

#### REBATE OF DUTY ON COAL.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments the bill (H. R. 16649) to provide rebate of duties on coal in which the concurrence of the House was requested.

Mr. PAYNE. I ask unanimous consent that this amendment of the Senate be concurred in.

Mr. RICHARDSON of Tennessee. We would like to have the amendment read, so that we may know what it is.

The SPEAKER. Undoubtedly; the Chair would not submit the amendment without its being read.

Mr. RICHARDSON of Tennessee. But I did not hear any request that it be read.

The SPEAKER. The Chair will submit the request of the gentleman from New York. The gentleman asks unanimous consent to take up the amendment of the Senate to what is known as the "coal bill," for the purpose of moving concurrence in the amendment which the Clerk will read.

The Clerk read as follows:

Amendment to House bill (H. R. 16649) to provide rebate of duties on coal. After line 7 insert:

"SEC. 2. That the provisions of paragraph 415 of the tariff act of July 24, 1897, shall not hereafter be construed to authorize the imposition of any duty upon anthracite coal."

Amend the title so as to read: "An act to provide rebate of duties on coal, and for other purposes."

[Applause.]

The SPEAKER. As the Chair is advised, the request of the gentleman from New York [Mr. PAYNE] was to take up this amendment and concur in it.

Mr. PAYNE. That was the request.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I only want to say that I think the gentleman ought to have accorded to this side of the House the right to make that request. There is no objection on this side. [Renewed applause.]

The SPEAKER. In the absence of objection, the amendment of the Senate is concurred in.

On motion of Mr. PAYNE, a motion to reconsider the vote by which the amendment was concurred in was laid on the table.

#### ARMY APPROPRIATION BILL.

On motion of Mr. HULL, the House again resolved itself into Committee of the Whole on the state of the Union (Mr. BOUTELL in the chair) and resumed the consideration of the Army appropriation bill.

Mr. HULL. Mr. Chairman, in order to get it in the RECORD, I ask unanimous consent that the Clerk read, in my time, Exhibit B, to be found in the report of the committee.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to have read the statement which is sent to the Clerk's desk. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT, Washington, January 2, 1903.

SIR: In my annual report of the operations of the War Department for the year of 1902 I remarked as follows concerning the organization known as the Porto Rico provisional regiment:

#### "PORTO RICO REGIMENT.

"The act of February 2, 1901, provides that the Porto Rico regiment shall be continued in service until further directed by Congress. I recommend that the discontinuance of that regiment be now directed, and that at the same time the right of enlistment in the Regular Army be extended to citizens of Porto Rico. There is no longer occasion for maintaining a special and peculiar force in the island at the expense of the United States outside of the coast-defense fortifications. Under the prosperous conditions which have followed the very liberal treatment of the island by the United States, the insular government is well able to support a police force adequate to preserve internal peace and order, and there is no more reason for maintaining a special United States force in addition to the Regular Army to protect Porto Rico against external attack than there is to maintain such a force to protect any part of our territory on the Atlantic coast. The people of Porto Rico should, however, have an opportunity to share in the general defense of the Government to which they owe allegiance and of the institutions which they enjoy."

I have now the honor to invite your attention to the foregoing remarks and recommendations, to which nothing can be added in the way of argument, and, as it is in the interest of economy, resulting in large saving, I request that provision for the discharge of this regiment be embodied in the appropriation bill now before Congress for the support of the Army for the year 1903-4, and be disposed of at this session of Congress.

In mustering out and disbanding the volunteer regiments organized for the war with Spain, leaves of absence for the officers and furloughs for the enlisted men were given by the Department for periods of one and two months, and Congress, in act of January 12, 1899, granted in lieu of leaves of absence and furloughs two months' extra pay to volunteer organizations thereafter mustered out of the service who served beyond the limits of the United States. I think a similar gratuity should be given to the Porto Rico regiment, and I so recommend.

Very respectfully,

ELIHU ROOT,

Secretary of War.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,  
House of Representatives.

Mr. PERKINS. Mr. Chairman, I send an amendment to the desk, which I will ask to have read.

The Clerk read as follows:

After line 2, page 17, insert the following:

"Provided further, That the Secretary of War is authorized to appoint officers of the said regiments to corresponding positions in the Regular Army, if, in his judgment, the public service requires."

Mr. PERKINS. Mr. Chairman, I would say, in addition to what was said by the gentleman from Missouri [Mr. COWHERD], that I have received several letters from people living in Porto Rico questioning the wisdom of the measure abolishing the Porto Rican regiments; but, Mr. Chairman, I have no desire to oppose the judgment of the Secretary of War and of the Committee on Military Affairs. It seems, however, Mr. Chairman, that here are a number of officers who have served in the Porto Rican regiments who are not members of the Regular Army. If they are qualified officers, if they have given good service, why should not the Secretary of War be authorized—I do not ask that he be directed—but why should he not be authorized to use those officers for appointment in the Regular Army? That is the object of the amendment, and the only object.

Mr. HULL. Mr. Chairman, it seems to me that this is exceedingly bad legislation. I doubt very much, if the amendment is passed, if the Secretary of War would act under it in any case whatever.

Mr. PERKINS. He is not obliged to.

Mr. HULL. This is the proposition, as I understand the amendment as read from the desk: Here are men who have been taken from subordinate positions in the Regular Army to fill what were known when they accepted the places as high positions, as a temporary regiment. By this legislation we particularly say to the Secretary of War and to the people that we are in favor now of continuing these men in the higher offices that they have been filling, as permanent places in the Regular Army.

As a matter of fact, every captain in the Regular Army was willing and anxious to be the colonel of a provisional regiment, whoever may be the man that secured the position, and he secured it because, I suppose, he convinced the Secretary of War that he was the best man of his rank for that assignment. But every member of this committee will certainly recognize that it would be outrageously unfair to say to the Secretary of War that in the judgment of Congress these men might be appointed as colonels in the Regular Army in the permanent regiments, going over the heads of men of permanent rank in the line of the Army who may have served two or three times as long as they and be of higher rank than they.

There is a provision now of the general law that all these officers selected from the Regular Army for this temporary duty shall go back to their regular places in the line of the Army when this regiment shall be mustered out. They have had the advantage of additional rank, additional pay, and additional emolument by this service, something that was a favor to them, and now this amendment would say that Congress believes the favor should be made a permanent benefit. I can see where there is some reason in the gentleman's amendment, when applied to those officers who come in from civil life, if it were necessary to enable them to become second lieutenants. But it is not necessary.

Mr. PERKINS. That is what I said it applied to.

Mr. HULL. There are some of those; but under the present law they could be ordered up for examination, and hardly a month passes that opening would not be had for them to be appointed as second lieutenants in the regular establishment. They are eligible for that now. To provide higher rank for them would be unjust to every man now in the Regular Army.

Mr. PERKINS. Mr. Chairman, just a moment in reply. The object of my amendment was somewhat misunderstood, probably because I am not sufficiently familiar with the practice to draw it properly. I understood from the bill that the officers in the Porto Rican regiments who are now officers in the Regular Army would be returned to the service in the Regular Army. Such is the provision of the bill. I intended to cover the case, Mr. Chairman, as here suggested by my friend from Iowa, of the officers of the Porto Rican regiments who are not officers of the Regular Army at all, and for whom there is no provision in this bill.

It seems to me just, Mr. Chairman, that those who are not in the Regular Army, but who have served satisfactorily in the Porto Rican regiment, should be eligible to appointment in the Regular Army, and should not be thrown out of military service by reason of the disbandment of the Porto Rican regiment.

Mr. HULL. Mr. Chairman, that same thing applied to every one of our volunteer regiments, and applied with particular force to every one of our 30 provisional regiments that had actual service in the Philippines; and yet we made no such provision for them. They came in under the general law, and many of them have been appointed to lieutenantcies in the Regular Army, as these men can be appointed to lieutenantcies in the Regular Army.

Mr. PERKINS. Mr. Chairman, if there is no objection, I would ask to amend my amendment by striking out the word "corresponding," so that they shall be eligible to appointment in the Regular Army, but not to corresponding positions.

The CHAIRMAN. Without objection, the Clerk will make that amendment to the proposed amendment.

Mr. GILLET of Massachusetts. Is not that the law now?

Mr. PERKINS. If it is, it will do no harm.

Mr. CRUMPACKER. According to my understanding of the law as it is now, these officers of the provisional Porto Rican regiment who are natives of Porto Rico would not be eligible to appointment.

Mr. HULL. There are no natives who are officers, I think.

Mr. CAPRON. No; none but noncommissioned officers.

Mr. CRUMPACKER. The commissioned officers are citizens of the United States.

Mr. HULL. All I think, are citizens of the United States.

Mr. CRUMPACKER. Then I misapprehended the fact.

Mr. PERKINS. They are officers of the regiment, but not officers of the Regular Army.

Mr. CRUMPACKER. And in addition to that, the privates in the Porto Rican regiment are not eligible to enlistment in the Regular Army.

Mr. HULL. The Secretary of War recommends that they be allowed to enlist in the Regular Army.

Mr. CRUMPACKER. Since the gentleman has entered upon

the field of legislation upon this subject, why did he not incorporate that provision in this bill?

Mr. HULL. The only reason was that it was a doubtful question as to whether any of the Porto Ricans would be willing to enlist to go out of the country; and there is a question in my mind whether it is not true, if they are a part of the citizenship of the United States, they can not now enlist in the Regular Army from the Territories here as well as from the States, whether they can not enlist as it is. The gentleman is a better lawyer than I am, and he can tell.

Mr. CRUMPACKER. According to the law as interpreted by the Supreme Court, if I understand the interpretation, they are not citizens of the United States, while the inhabitants of the Territories are, and therefore the inhabitants of the Territories are eligible to enlistment in the Regular Army. It seems to me that it would show some deference to these people and give them at least that privilege, even though it would never be exercised; and it occurs to me that the suggestion of the Secretary of War ought to have been embodied in this measure.

Mr. HULL. A proviso added to this, that natives of Porto Rico may be enlisted in the Regular Army, will cover that. I have no objection to it. We will have to dispose of the pending amendment first.

Mr. PERKINS. I should like to ask the chairman of the committee what objection there is to a provision which should authorize the Secretary of War to take a citizen of this country who has been an officer of the Porto Rican regiment, but who is not an officer of the Regular Army, and appoint him an officer of the Regular Army?

Mr. HULL. I would say that unless it was limited to second lieutenants I should object to it, because it will throw the burden on the War Department and start a war on all of us to go there and get some man a good office. In my judgment it is bad legislation. Now, if you limit it to that, the Secretary of War has the same power now to appoint these men second lieutenants, if they can pass the examination, that he had to appoint the men who served during two years of actual hostilities in the Philippines who were volunteers of the provisional regiments. They were appointed by the President. They were in what were known as two-year regiments. These men went into regiments known to be temporary. Why should we turn around now and legislate specifically on that, when under the general law, if they can pass the examination these other officers have had to pass, they can be appointed?

Mr. PERKINS. We do not legislate specifically, but merely authorize the Secretary of War in his discretion, if in his judgment the public service will be promoted, to appoint them.

[Here the hammer fell.]

Mr. HULL. I call for a vote.

The amendment was rejected.

Mr. CRUMPACKER. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of line 23, page 17, the following:

"Provided further, That citizens of the island of Porto Rico shall be eligible to enlistment in the Regular Army."

Mr. HULL. There is no objection to that that I know of.

The amendment was agreed to.

The Clerk read as follows:

Incidental expenses: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners; for expenses of express to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the internment of officers killed in action or who die when on duty in the field, or at military posts, or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursements heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the 21st day of April, 1898; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than \$50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of \$5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be



mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army, and at military posts, and not expressly assigned to any other department, \$2,300,000.

Mr. LACEY. Mr. Chairman, I move to strike out the last word. I do this for the purpose of inquiring of the chairman of the committee as to what arrangements there are in this bill and what provision for the supplying of flagstaves for the various fortifications of the Army where the same have been accidentally destroyed or destroyed by storm. In this connection I wish to say that the American flag is not flying from Fort Sumter. All the people of that vicinity rejoice to see that flag there now, and they ought to have an opportunity of seeing it, and the visitors to that fortification ought to have the same opportunity. That flagstaff has been destroyed by a cyclone and not replaced. It may be a sentimental matter, but there ought to be some provision for supplying deficiencies of that kind.

Mr. BARTLETT. It was accidental?

Mr. LACEY. Purely accidental.

Mr. HULL. It was purely accidental. It was destroyed by a storm. Flagstaves at the different posts of the Army come under this appropriation, under the head of "incidentals." They can buy a new one any time it is called to the attention of the Department.

Mr. LACEY. I wish to call the attention of the Military Committee and the War Department to the fact; and while it is a matter of sentiment, it is one that all parts of the country rejoice in seeing given proper consideration at this time at that particular place.

Mr. McCLELLAN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I should like to ask the chairman of the committee as to what is meant on page 23, line 18, by "spies," and how much of the appropriation could be used for the purpose of hiring spies, and whether the whole appropriation is to be used for that purpose?

Mr. HULL. No; it is one of the things for which appropriations have been made for forty years, and they are carried every year by the bill.

Mr. McCLELLAN. Carried every year by the bill?

Mr. HULL. Carried every year, and probably not one year in twenty any of it is used for that purpose.

Mr. McCLELLAN. Even in time of peace?

Mr. HULL. It is one of those provisions that have been in the bill for at least forty years, and it is carried along when there is no idea that any of them will be hired.

Mr. McCLELLAN. In time of peace?

Mr. HULL. At any time. If it should go out of the bill in time of war a point of order would be raised on the committee. [Laughter.]

The Clerk read as follows:

Barracks and quarters: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men: *Provided further*, That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than \$150 per month, except upon the approval of the Secretary of War, \$4,750,000; one-half of this amount to be immediately available.

Mr. CANNON. Mr. Chairman, I make the point of order on line 25, "one-half of this amount to be immediately available." It is in the nature of legislation first, and second it does not belong to a bill making provision for the service for the coming year. It is really for the service of the current year and belongs upon the deficiency appropriation bill.

Mr. HULL. Mr. Chairman, as to the point of order I very much doubt whether it is well taken. It is a direction in regard to an appropriation that to my mind can hardly be considered as new legislation to the extent of being obnoxious to the rule. I want to say to the gentleman from Illinois that this was put in at the request of the Department in conversations after the hearings had been had. On page 59 of the hearings General Ludington, in answer to a question of the chairman as to why it should be made immediately available, says:

I will try to explain that, which I think I can do to your satisfaction. As it stands now, we can not begin any construction work until the 1st day of July, and in that way we lose some of the best building months. We lose April, May, and June of each year. We can not start in July and complete the buildings before the next year. It will save the Government money if contractors can have the advantage of all the best building months to do their work.

It does not increase the amount asked for upon the hearings; and in my judgment, at the time when they are making every

effort possible in order to make enough buildings to completely furnish barracks and quarters for the enlarged army, and especially the Coast Artillery, if they can get the advantage of letting the contract when the bill becomes law and use part of the moneys in advance it will be a benefit to the Government in every way you may take it. Even if the point of order is good, I trust the gentleman will not insist upon it.

Mr. CANNON. I will say to my friend I shall insist upon it. Purely and simply, it does not lie in the mouth of the Secretary of War or the Quartermaster-General to dictate by an examination to the House of Representatives how it shall conduct its business. Now, the rule of the House provides for the creation of the committees. The gentleman is familiar with it. It creates the military committee. Clause 3, Rule XI:

3. To appropriation of the revenue for the support of the Government, as herein provided, viz: For legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for the District of Columbia; for pensions; and for all deficiencies—to the Committee on Appropriations.

Now, then, this item legitimately appears under the title of barracks and quarters in the first instance, beginning as the bill does with this appropriation, but it goes further, it increases the appropriation and it is for the current year \$1,400,000. That is legitimate and the gentleman has, and his committee under the rules of the House have, the jurisdiction to report any amount that in the judgment of his committee should be so reported. But when it provides that one-half of this amount is to be immediately available it becomes in its very nature a deficiency appropriation. This bill provides for the expenses of the next year and provides over \$2,000,000 for the current year for barracks and quarters, and it is a deficiency, so that this bill becomes at once a deficiency bill, as well as a bill to provide for the expenses of the coming fiscal year.

Now, then, if it be necessary for the service that an additional appropriation should be made for barracks and quarters over the present item until and including the 30th of June next, let the Secretary of War in a formal way, as the law directs, through the Secretary of the Treasury, send the estimate and receive its proper reference under the rules of the House. The committee that prepares the deficiency bill for the consideration of the House would have jurisdiction of the subject-matter, and all matters of deficiency then appear upon one bill, as the rule of the House contemplates. If we go into this method of appropriation, mixing together the coming fiscal year and the current year, you do not know where to look for anything if you want to get accurate information. Therefore, while it may be necessary that provision should be made for the current year for this service, about which I express no opinion at all until it shall have been examined, it can be seen at once, for the reasons assigned, that an orderly conduct of the business would dictate that the various rules of the House should be observed. Otherwise you have things mixed and in a condition that breeds confusion, if not disorder.

Mr. CAPRON. Mr. Chairman, may I ask the gentleman a question?

Mr. CANNON. Certainly.

Mr. CAPRON. I would like to ask my friend if he considers it a deficiency when the plans and specifications have been prepared, and are pretty well completed, for barracks and quarters at the different coast-defense stations, as well as those for the troops returning from the foreign stations, and they have a certain amount appropriated for that purpose merely because they ask to be allowed to commence work on this in the month of May rather than to commence it on the 1st day of July? Is that a deficiency, or is it simply carrying out the work because the fiscal year does not adjust itself to the working year for this kind of construction?

Mr. CANNON. In reply to the gentleman from Rhode Island, I will say that a deficiency appropriation means, in the spirit of the rule, an additional appropriation for the current year. Now, the current year began on the 1st of July last and ends on the 30th of June next. Any appropriation for that service means a deficiency, if it is made during the current year. That is in the meaning of the rule. Now, then, the gentleman's statement whether it would be wise to begin on the 1st day of May or not is not important. I will say to him that it is quite in the power of the House, if the committee having jurisdiction to recommend a deficiency in the regular bill fails to do so, it is quite within the power of the House, on the motion of any member, to include the amount; and if the service requires this sum to be expended during the current year it can be done just as readily in a regular and orderly bill as it can be in this bill, and quite as soon. So there is no reason, from the standpoint of the public service, that I should withdraw the point of order, and there is every reason why I should insist on the point of order, so as to keep these bills separate, as the rule intended it should be.

Mr. HULL. I want to say to the gentleman from Illinois that neither the Secretary of War nor the Quartermaster-General undertook to dictate what we should do. The Quartermaster-General



presented the reasons why they would like the words put in. The Secretary of War said nothing about it.

Mr. CANNON. If my friend will allow me, I find on inquiry that no estimate for deficiency for additional money for barracks or quarters has been submitted.

Mr. HULL. If the gentleman had waited a minute, I was going to state that precise point. It is not a deficiency in any sense whatever, for the reason that no contract has been let for the work, and no attempt has been made to saddle on the Government a deficiency. They have gone within the appropriation made in the last bill, and the only object of these words was to enable them to let contracts a little sooner than they otherwise would. It does not increase the expense, and if it did, it would go to the gentleman's committee.

Mr. CANNON. Does it not provide money for the current year?

Mr. HULL. It provides that some of it may be used this fiscal year, and that has been done repeatedly in this House, with all due respect to the gentleman from Illinois.

Mr. CANNON. Never without a violation of the rules.

Mr. HULL. It may be that attention was not called to it.

The CHAIRMAN. The Chair is prepared to rule on the question.

Mr. HULL. Let the Chair rule.

The CHAIRMAN. The bill under consideration is the general annual Army appropriation bill for the fiscal year beginning July 1, 1903, and ending June 30, 1904. The general appropriation for the present fiscal year of 1903 was made in the bill last year. It seems to the Chair that any expenditure for the Army during the current year must necessarily be considered as an expenditure to make up deficiencies in the Army appropriation bill for the fiscal year 1903, or the current year. Any bill, therefore, whether this bill or any other measure providing for the appropriation of the sums so used, must be considered as a deficiency bill, and the appropriation itself, whether made in this measure or in a measure with another title, would be an appropriation to make good a deficiency—an amount not provided for in the Army appropriation bill for the current fiscal year. Being a deficiency appropriation, it should be included in a deficiency bill; and under clause 3 of Rule XI the deficiency bill would be a bill referred to and coming from the Committee on Appropriations. As it seems to the Chair that this is to make good a deficiency, the Chair is constrained to sustain the point of order.

Mr. HULL. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 24, page 25, insert the following:

"Provided further, That the sum of \$6,000 of this appropriation, or so much thereof as may be necessary, may be used for the payment of any assessment against the property of the United States arsenal at Indianapolis, Ind., and the cost of appraisal of said reservation in connection with its sale."

Mr. CANNON. I feel constrained to make a point of order against this amendment.

Mr. HULL. I hope the gentleman will simply reserve the point. This is not from the committee.

Mr. CANNON. I will do so out of respect to my friend's request; but I will say to him that there is a whole troop—yes, more, a division—of similar claims running against almost every public building and reservation in the country.

Mr. HULL. Mr. Chairman, I fully understand that there are a large number of claims against the Government of the United States for special assessments in cities—running more especially against cities having post-office buildings, where expenses have been incurred without securing appropriations in advance of incurring the expense. This, however, is a little different from the others in this: In the last Congress we passed a bill providing for the sale of this ground in the city of Indianapolis, and that the money should be paid into the Treasury, and at the same time located a post near the city. The Secretary of War, in selling the ground, finds this special assessment standing against the property. This charge would not have any effect as against the Government of the United States; but it is such a cloud upon the title that a private individual would not desire to purchase this land unless this charge could be waived or obviated. If there is no objection on the part of the gentleman from Illinois, I will ask to have read a letter from the Assistant Secretary of War covering this point.

The CHAIRMAN. Without objection, the letter will be read.

The Clerk read as follows:

WAR DEPARTMENT,  
Washington, January 8, 1903.

SIR: In carrying into execution the clause of the current act of appropriation for the support of the Army (act of June 30, 1902, 32 Stats., 507, 515), which authorizes the sale of the military reservations at Indianapolis, Ind., Columbus, Ohio, and Buffalo, N. Y., I find that there is a sewer assessment outstanding against the arsenal property at Indianapolis. The amount of the assessment is \$4,712.56; and the expense was incurred, with the approval of the Department, in order to furnish a sewer connection for the barracks and quarters for the troops constituting the garrison. There will also be some expense in connection with the appraisal of the Indianap-

olis reservation, which was provided for, in connection with its sale, in the current appropriation bill.

With a view to cancel these outstanding obligations and to give a clear title to the property, it is suggested that the cost of the sewer construction and the expenses of appraisal be authorized to be paid from the sum realized from the sale of the lands and improvements constituting the military reservation at Indianapolis, Ind.; and I remain,

Very respectfully,

WM. CARY SANGER,  
Acting Secretary of War.

The CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS,  
House of Representatives.

Mr. HULL. I yield to the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Chairman, as stated by the Chairman of the Committee on Military Affairs, Congress has already, by law, authorized the sale of what is called the military reservation or arsenal at Indianapolis, Ind. Under the law giving this authority the Secretary of War was directed to sell the property for not less than the appraised value, and to make the ordinary deed of transfer. Under that authority he has, through proper channels, organized a board of appraisers, which has fixed an appraised value upon the property.

A scheme of sale is now under consideration by the Department, and I have no hesitancy in saying that in all probability within the next forty-five days the sale will be consummated, as parties stand ready to make the purchase. Unless Congress by some provision similar to that now under consideration shall authorize the payment of the expenses of the board of appraisers, they will not receive any compensation. That is a small matter, and they, of course, raise no criticism as to that. The item of expense, \$4,712.56, is for the expense of a sewer constructed for the purpose of benefiting this identical property. The work was performed in the proper legal way under the laws of that State, and is necessarily a benefit to the property. It is therefore a charge against it in proportion to the amount as assessed.

The law under which this sale will be made provides specifically that the sum for which the property shall be sold shall be paid into the General Treasury. All that this amendment does is to provide that the General Treasury shall discharge that obligation. It is true there may be other similar charges, but the Government will be embarrassed in the sale of this property unless some provision shall be made to discharge this obligation.

In my judgment, the property will sell for more than the appraised; but if sold for less than the appraised, there would be no provision for the discharge of this obligation, and the purchaser would be compelled to pay it. Gentlemen will remember that while the Government is relieved from this charge, yet when the title passes from the Government to the individual purchaser this assessment becomes a charge against him. There is nothing but equity in this provision. It may be subject to the point of order, but the Government aims to deal fairly. If the property were not about to be sold, to pass into private hands—if the Government were not making provision immediately for this sale—then I would think the point of order ought properly to be made and acted upon in favor of the Government.

Mr. BARTLETT. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. BARTLETT. I understand that this is a debt, if it is a debt at all, due to the city of Indianapolis for a matter of improvement to the streets or the building of a sewer.

Mr. OVERSTREET. It is not in favor of the city. It is in favor of the contractor who put in the sewer.

Mr. BARTLETT. But the contractor did it at the instance of the city?

Mr. OVERSTREET. It is done under the law of the city and for the interests of this property and other property adjacent to it desiring and needing sewer connection.

Mr. BARTLETT. The same kind of debt would exist in case of assessment for pavement in front of property.

Mr. OVERSTREET. Except, I think, all parties agree that sewer improvements are even more important improvements than sidewalks.

Mr. BARTLETT. It is under the same sort of law.

Mr. OVERSTREET. Oh, unquestionably.

Mr. BARTLETT. Does the gentleman take the position that the United States Government or its property is liable as an adjacent landowner when improvements of that sort are made?

Mr. OVERSTREET. Oh, it is not liable under the law. Congress must authorize it.

Mr. BARTLETT. The reason which leads me to ask the question is this, that such improvements of that kind were made in my city, adjacent to property owned by the Government, and the Government, I think properly, took the position that it was not liable to pay its portion under that sort of law.

Mr. OVERSTREET. The peculiar justice in adopting this



amendment lies in the fact that the Government has obtained authority to sell this property and have the money covered into the Treasury, and if it shall be sold then this charge will rest against the owner of the property when the transfer shall be made. I realize in all probability that it is subject to the point of order. I think under the circumstances, and the recommendation of the War Department showing that it is to be paid out of money which is yet to be paid for the property, that Congress can well afford to let the amendment pass.

Mr. CRUMPACKER. I would like to ask my colleague a question. Has it not been the uniform policy of the Government to pay its equitable and pro rata share for street and sewer improvements in cities?

Mr. OVERSTREET. I so understand, but such payments are always made under direct authority of Congress.

Mr. CRUMPACKER. Of course; they have to be.

Mr. OVERSTREET. But the practice is just as the gentleman has stated.

Mr. CRUMPACKER. I understand it to be so.

Mr. MANN. Is it not possible to sell this property subject to this claim?

Mr. OVERSTREET. I do not so understand from the War Department's construction of the law under which they are going to sell.

Mr. MANN. But the statement of the gentleman is that this is not a claim against the property as it now stands, but that it will be a claim against the property when it goes into the hands of a private owner.

Mr. OVERSTREET. Not quite that.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MANN. Well, Mr. Chairman, may I ask the gentleman what the position is then in reference to that?

Mr. OVERSTREET. It is a claim against the Government for that improvement, and if the regular channel were pursued, a special bill would necessarily be introduced in the House and the matter referred to the Committee on Claims.

Mr. HAY. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAY. Has the gentleman from Illinois withdrawn his point of order?

The CHAIRMAN. The gentleman from Illinois has reserved his point of order.

Mr. CANNON. Mr. Chairman, I want to make just one statement, if my colleague will allow me. Property of the Government is not subject to local taxation, or taxation by the State. This was not. If any assessments were levied, they were absolutely void, and are now, and are no lien whatever upon the property. For at least a quarter of a century, certainly twenty years, the practice has been that the Government has not appropriated for the payment of taxes to the municipality or the State. In my own town they went through the form of levying this same kind of a tax. Finally the city council appropriated the money to pay it, but this is a small matter of itself, and I know that the gentleman from Iowa [Mr. HULL] and the gentleman from Indiana [Mr. OVERSTREET], when I state it, will realize that I do not single this out to make the point of order upon it. The fact is, however, that there are hundreds of claims which gentlemen present to the Committee on Appropriations saying that there is substantial equity in them. The practice of Congress, however, has been the other way, and I am compelled to insist upon the point of order. If it is the sense of Congress now to have another policy, why, that is all right.

Mr. OVERSTREET. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. OVERSTREET. The gentleman does not want to be understood as saying there are hundreds of claims where the property is about to be sold?

Mr. CANNON. Oh, that does not make any difference. It is absolutely void. Any assessment is void. It is no cloud upon title, I submit to the gentleman. However, I do not know that I ought to say that, because I am not as good a lawyer as my friend. But let that be as it may, the fact that the Government sells makes no difference. It is the same thing in principle, and I do it a little for peace on the part of the Committee on Appropriations, because if this goes, all ought to go.

Mr. OVERSTREET. All similarly situated?

The CHAIRMAN. Does the gentleman from Illinois renew the point of order?

Mr. CANNON. I can not withdraw it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MERCER. Mr. Chairman, I desire to submit an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 25, line 24, after the word "dollars," add the following: *Provided*, That of the above amount the sum of \$9,000, or so much thereof as may be necessary, may be used by the Secretary of War to purchase additional ground adjacent to the present Omaha quartermaster's depot reservation in Omaha, Neb., for the purpose of enlarging said reservation to admit the erection thereon of the quartermaster's warehouse building.

The amendment was agreed to.

The Clerk read as follows:

Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses of recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster stores, from Army depots or places of purchase or delivery to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train masters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, \$15,000,000.

Mr. HAY. I offer the amendment which I send to the Clerk's desk.

Mr. FITZGERALD. I desire to reserve a point of order on all contained between line 14, page 27, and line 20, page 28.

The CHAIRMAN. The gentleman from New York reserves the point of order against the paragraph mentioned. Does the gentleman from Iowa wish to discuss it?

Mr. HULL. Oh, not at all. There is nothing in it.

Mr. HAY. What is the point of order?

Mr. FITZGERALD. The point of order is that it is new legislation.

Mr. HULL. Mr. Chairman, it has been enacted every year for a great many years; I do not know how many years back. If the gentleman will compare it, he will find that it is line for line with a provision that has been carried in the appropriation bill for a very long time.

Mr. FITZGERALD. I reserved the point of order for the purpose of getting an explanation of it.

Mr. HULL. The gentleman will find that there has not been a change of a word in this provision in years. I ask for a decision on the point of order.

The CHAIRMAN. Does the gentleman from New York renew the point of order?

Mr. FITZGERALD. I reserved it only for the purpose of being informed about the provision.

Mr. HULL. It is so clearly in order that I did not propose to discuss it.

The CHAIRMAN. The gentleman from New York withdraws the point of order.

Mr. HAY. I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 23, page 28, add the following proviso: "Provided, That no action looking to the discontinuance of the transport service shall be taken without further action of Congress."

The amendment was agreed to.

Mr. SHAFROTH. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report."

The Clerk read as follows:

After the word "oceans," in line 11, page 27, insert the following:  
"No steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had and obtained."

Mr. HULL. Mr. Chairman, I am inclined to think that is subject to a point of order.

Mr. SHAFROTH. I have no doubt that it is; but in view of the speech that the gentleman made on yesterday, which was a most elaborate demonstration of the usefulness of these transports, and in view of the fact that the sales that have been made heretofore have been made for very small sums of money, it seems to me that there ought to be unanimity on the part of the members of the House in sustaining that service.

Mr. HULL. Let me ask the gentleman if he does not think the amendment already passed is sufficient?

Mr. SHAFROTH. No; it is not. That applies to the discontinuance of the transport service.

Mr. HULL. I shall make no point upon it.

Mr. SHAFROTH. I want to call the gentleman's attention to this point.

Mr. HULL. Go ahead. I have not made any point at all.

The CHAIRMAN. The question, then, is on the amendment offered by the gentleman from Colorado.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Clothing, and camp and garrison equipage: For cloth, woollens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price, according to the Army Regulations; for altering and fitting clothing and washing and cleaning, when necessary; for equipage, and for expenses of packing and handling, and similar necessities; for a suit of citizen's outer clothing, to cost not exceeding \$10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, \$4,000,000.

Mr. HAY. Mr. Chairman, I move to strike out the paragraph.

Mr. HULL. What paragraph was it?

Mr. HAY. I just want to do it so we may adjourn.

Mr. HULL. I hope the gentleman will not raise the question of no quorum at this time. It has been the general understanding that we would go on for a few minutes longer before the House adjourns.

Mr. HAY. At what hour?

Mr. HULL. It will not be more than ten minutes, and we will be that much further along with the bill. Now, I hope the gentleman will not insist on his point. We can not adjourn in Committee of the Whole.

Mr. HAY. We can find out whether we can adjourn.

Mr. HULL. If we read a couple of more pages there will be no further trouble.

Mr. HAY. There is no trouble now.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., except quarters for the officers and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, \$475,000: *Provided*, That \$60,000 of this amount may be used for the construction at Vancouver Barracks, Wash., of a modern hospital for 48 beds, necessary to accommodate the sick of the contemplated increase of the garrison at that post to one regiment of infantry and two light batteries of artillery.

Mr. CANNON. Mr. Chairman, I would be glad to ask the gentleman not to dispose of this paragraph.

Mr. HULL. I am willing to pass that over until to-morrow.

Mr. HAY. I object.

The CHAIRMAN. The gentleman from Virginia objects.

Mr. HULL. Well, Mr. Chairman, it seems that the disposition of the House is so overwhelmingly in favor of quitting that I will move that the committee do now rise, although the agreement was that we should run until half past 5.

The CHAIRMAN. The gentleman from Iowa moves that the committee do now rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16567 and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 6326. An act for the relief of Hiram C. Walker.

The message also announced that the Senate had insisted upon

its amendment to the amendment of the House of Representatives to the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLATT of New York, Mr. ELKINS, and Mr. JONES of Arkansas as the conferees on the part of the Senate.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13594. An act granting an increase of pension to Robert Hargreaves;

H. R. 5321. An act granting a pension to Lillie May Fifield;

H. R. 9977. An act granting a pension to Minerva Robinson;

H. R. 12575. An act granting a pension to Edward A. Branham;

H. R. 13479. An act granting a pension to Ira P. Smith;

H. R. 13565. An act granting a pension to Mary V. Scriven;

H. R. 3868. An act granting an increase of pension to Isadora F. Maxfield;

H. R. 3672. An act granting a pension to Emily S. Barrett;

H. R. 2542. An act granting an increase of pension to Lysander D. Trent;

H. R. 1453. An act granting an increase of pension to Thomas Kirwan;

H. R. 7021. An act granting an increase of pension to Henry Forcht;

H. R. 325. An act granting an increase of pension to John Compton;

H. R. 699. An act granting an increase of pension to Robert Miller;

H. R. 636. An act granting an increase of pension to Benjamin S. Bogardus;

H. R. 11748. An act granting an increase of pension to Samuel Ashmore;

H. R. 10494. An act granting an increase of pension to Jonathan H. Slocum;

H. R. 1530. An act granting an increase of pension to Eliza A. Rickards;

H. R. 3755. An act granting an increase of pension to Lawson Williams;

H. R. 14024. An act granting an increase of pension to John R. Curry;

H. R. 13505. An act granting an increase of pension to William F. Stanley;

H. R. 14058. An act granting an increase of pension to Emil Pfeiffer;

H. R. 13510. An act granting an increase of pension to James P. Thomas;

H. R. 13529. An act granting an increase of pension to Francis C. Baker;

H. R. 13621. An act granting an increase of pension to Anson Greenman;

H. R. 13143. An act granting an increase of pension to Susan Parker;

H. R. 12155. An act granting an increase of pension to Joseph W. Robertson;

H. R. 12700. An act granting an increase of pension to Eberhard P. Lieberg;

H. R. 3304. An act granting an increase of pension to William Burke;

H. R. 5887. An act granting an increase of pension to Morris M. Comstock;

H. R. 6897. An act granting an increase of pension to William G. Buchanan;

H. R. 1528. An act granting an increase of pension to Charles Dalrymple;

H. R. 8237. An act granting an increase of pension to John Robinson;

H. R. 12039. An act granting an increase of pension to Nelson Brown;

H. R. 14136. An act granting an increase of pension to John D. Thompson;

H. R. 12132. An act granting an increase of pension to Allen C. Davis;

H. R. 14312. An act granting an increase of pension to John W. Huckelberry;

H. R. 13815. An act granting an increase of pension to James J. Wilson;

H. R. 11180. An act granting an increase of pension to Henry W. Gaskill;

H. R. 14067. An act granting an increase of pension to John Wright; and



H. R. 16649. An act to provide rebate of duties on coal, and for other purposes.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6257. An act granting an increase of pension to Mary B. Keller—to the Committee on Pensions.

S. 6182. An act granting an increase of pension to Lila L. Egbert—to the Committee on Pensions.

S. 1131. An act granting an increase of pension to Sydda B. Arnold—to the Committee on Invalid Pensions.

S. 6467. An act granting an increase of pension to Sarah E. Ropes—to the Committee on Pensions.

S. 5850. An act granting an increase of pension to Herbert Whitworth—to the Committee on Invalid Pensions.

S. 6219. An act granting an increase of pension to Nannie Cushman—to the Committee on Invalid Pensions.

S. 5963. An act granting a pension to Sarah Jane Gibson Ogden—to the Committee on Pensions.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the chief of Division of the Revenue-Cutter Service submitting an estimate of additional appropriation for new revenue steamer at Philadelphia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for buildings at Fort Brady—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, relating to improvement of the post-office buildings at Atlanta, Ga.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEELE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 3095) for the relief of gaugers, storekeeper gaugers, and storekeepers, reported the same with amendment, accompanied by a report (No. 3152); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUCKER, from the minority of the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 16063) to punish frauds at elections of Representatives and Delegates in Congress and of electors for President and Vice-President, and for other purposes, submitted the views of the minority (being part 2 of Report No. 2969); which said views were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the Senate (S. 3546) for the relief of L. A. Noyes, reported the same without amendment, accompanied by a report (No. 3150); which said bill and report were referred to the Private Calendar.

Mr. SNODGRASS, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11544) to correct the military record of Thomas J. Morman, reported the same without amendment, accompanied by a report (No. 3151); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BURGESS: A bill (H. R. 16720) for establishing a light-vessel near Healds Bank, off Galveston Harbor, Texas—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A bill (H. R. 16721) to authorize the abandonment of W street northeast, Washington, D. C.—to the Committee on the District of Columbia.

By Mr. SULZER: A bill (H. R. 16722) to provide for the erection of a bronze statue to the memory of the late Samuel J. Tilden, at Washington, D. C.—to the Committee on the Library.

By Mr. JENKINS: A bill (H. R. 16723) to prohibit the wearing or use of official badges or decorations of the Union Veteran Legion and other military and civil societies duly organized in the District of Columbia and in the Territories of the United States, and making the unlawful wearing or use of such a misdemeanor, providing punishment therefor—to the Committee on Military Affairs.

By Mr. LESSLER: A bill (H. R. 16724) to provide for an additional judge of the district court of the United States for the southern district of New York—to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 16725) to increase the limit of cost for the erection of a custom-house building at San Francisco, Cal.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16726) to define the meaning of an act approved May 9, 1876 (19 Stat. L., p. 52), relinquishing the interests of the United States in certain lands to the city and county of San Francisco, State of California—to the Committee on Military Affairs.

By Mr. CONRY: A bill (H. R. 16727) for the erection of a light-house in Boston Harbor—to the Committee on Interstate and Foreign Commerce.

By Mr. SWANSON: A bill (H. R. 16728) to increase the limit of the appropriation for a public building at Martinsville, Va.—to the Committee on Public Buildings and Grounds.

By Mr. DAYTON: A joint resolution (H. J. Res. 250) authorizing railroads and transportation companies engaged in interstate commerce to transport coal from the mines to the market for a period of sixty days in preference to all other freight—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: A concurrent resolution (H. C. Res. 70) to authorize the printing of 600 additional copies of the Report of the Commissioner of Navigation for 1902—to the Committee on Printing.

By Mr. JENKINS: A resolution (H. Res. 389) that the Committee on the Judiciary be directed to investigate and report to the House the opinion of the committee as to the power of Congress to declare that a necessity has arisen for taking possession of all coal, coal beds, and coal mines in the United States—to the Committee on Rules.

By Mr. POWERS of Maine: A resolution (H. Res. 390) that immediately upon the adoption of this resolution it shall be in order to consider the bill S. 6216—to the Committee on Rules.

By Mr. FOSTER of Vermont: Memorial of the legislature of the State of Vermont, asking for recognition of the service of Gen. William F. Smith—to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BALL of Delaware: A bill (H. R. 16729) to correct the military record of Thomas W. Ferree—to the Committee on Military Affairs.

By Mr. BELL (by request): A bill (H. R. 16730) for the relief of certain settlers on lands in Pueblo County, Colo.—to the Committee on the Public Lands.

Also, a bill (H. R. 16731) permitting the town of Montrose, Colo., to enter 160 acres of land for reservoir and water purposes—to the Committee on the Public Lands.

By Mr. BROMWELL: A bill (H. R. 16732) granting an increase of pension to Caroline Heinzmann—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 16733) granting an increase of pension to Edward M. Tappen—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 16734) to provide an American register for the steamer Beaumont—to the Committee on Interstate and Foreign Commerce.

By Mr. FOWLER: A bill (H. R. 16735) granting an increase of pension to Joseph J. Sparling—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 16736) granting an increase of pension to Albert B. Harryman—to the Committee on Pensions.

Also, a bill (H. R. 16737) granting an increase of pension to Ira Stout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16738) granting a pension to Henry Pritchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16739) to correct the military record of Lewis Gannon—to the Committee on Military Affairs.

Also, a bill (H. R. 16740) granting an increase of pension to Isom Wilkerson—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 16741) granting a pension to William Behrmann—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 16742) granting an increase of pension to William Woodcock—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 16743) for the relief of the estate of Claham Blackman, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 16744) to correct the record of Charles Ellis, late of the United States Navy—to the Committee on Naval Affairs.

By Mr. KYLE: A bill (H. R. 16745) granting a pension to Harriet E. Green—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 16746) to place John Tempamy, veterinarian, Ninth United States Cavalry, on the retired list of the United States Army—to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 16747) for the relief of the heirs of Michael Holoran—to the Committee on War Claims.

By Mr. PIERCE: A bill (H. R. 16748) for the relief of William B. Booker—to the Committee on War Claims.

By Mr. SHERMAN: A bill (H. R. 16749) granting an increase of pension to Henry P. Mesick—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 16750) granting a pension to Laura Ann Willis—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16751) granting a pension to C. E. Snyder—to the Committee on Invalid Pensions.

By Mr. VANDIVER: A bill (H. R. 16752) granting a pension to Anton Sauthoff—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 16753) removing the charge of desertion from the military record of Thomas T. Inslee—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 16754) granting an increase of pension to Benjamin F. Hughes—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 16755) granting an increase of pension to Fannie T. Fisher—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 16756) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petitions of Eli T. Hosmer and other retail druggists of Buffalo, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BELL: Resolution of the Chamber of Commerce of Leadville, Colo., asking for the restoration of duty on manganese iron—to the Committee on Ways and Means.

Also, resolution of the Bent County Farmers and Live Stock Growers' Association, Las Animas, Colo., in favor of the proposition to lease the public domain—to the Committee on the Public Lands.

By Mr. BENTON: Petition of Charles L. Wright and other druggists of Webb City, Mo., for the enactment of House bill 178, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BROWN: Petition of druggists of Hurley, Wis., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CASSINGHAM: Petition of the Wooster Brush Works, of Wooster, Ohio, favoring House bill 15368, amending the customs-drawback law—to the Committee on Ways and Means.

Also, petitions of druggists of Canal Dover, New Philadelphia, Smithville, and Wooster, Ohio, and vicinity, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CRUMPACKER: Petition of E. C. Zahrt, urging the

passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. EDDY: Resolution of the St. Paul Chamber of Commerce, for the repeal of all import duties on anthracite and bituminous coal—to the Committee on Ways and Means.

By Mr. FLETCHER: Resolution of the St. Paul, Minn., Chamber of Commerce, for the repeal of the duties on coal—to the Committee on Ways and Means.

By Mr. FOWLER: Petitions of the Woman's Christian Temperance unions and citizens of Chatham, Succasuna, and Elizabeth, N. J., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Morris County, N. J., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

Also, petitions of retail druggists of Morristown, Washington, Rahway, Westfield, and Dover, N. J., in favor of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petitions of the Women's Missionary Society of the Presbyterian Church of Hackettstown; the Westminster Presbyterian Church, of Phillipsburg; Presbyterian Society of Danville; Presbyterian Church of Stanhope; Presbyterian Church Society of Greenwich; Women's Missionary Society of Delaware, and Presbyterian Society of Andover, N. J., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. GRIFFITH: Papers to accompany House bill for increase of pension of Isom Wilkerson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Albert D. Harryman—to the Committee on Pensions.

Also, papers to accompany House bill to correct the military record of William Burke—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Henry Pritchard—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 16154, granting an increase of pension to David Ennis—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Resolutions of Farmers' Institute, Amesville, Ohio, favoring the improvement of public roads and certain other pending bills—to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of Athens, Ohio, for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. HEATWOLE: Resolution of the St. Paul (Minn.) Chamber of Commerce, for the repeal of the duties on anthracite and bituminous coal—to the Committee on Ways and Means.

By Mr. McCLEARY: Resolution of the St. Paul Chamber of Commerce, for the repeal of import duties on coal—to the Committee on Ways and Means.

By Mr. MOON: Petition of retail druggists of Sparta, Tenn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MORRIS: Resolution of the St. Paul (Minn.) Chamber of Commerce, for the repeal of all import duties on anthracite and bituminous coal—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of the Fore River Ship and Engine Company, favoring House bill 15368—to the Committee on Ways and Means.

By Mr. NEVILLE: Petition of Gorton Brothers, of Cody, Nebr., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PADGETT: Affidavit relating to the claim of P. H. Haloran and Mary Kenedy, heirs of Michael Haloran—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: Petition of H. B. Benjamin, of Baton Rouge Parish, La., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RUPPERT: Resolution of Schiller Lodge, No. 51, I. O. P. B., of New York, for a modification of the methods and practice pursued by the immigration officers at the port of New York—to the Committee on Immigration and Naturalization.

Also, petition of the Merchants' Association of New York, favoring the passage of the Elkins bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. B. Calisher & Co., New York, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the Manufacturers' Association of New York, favoring an educational qualification for immigrants as embodied in House bill 12199—to the Committee on Immigration and Naturalization.

Also, resolutions of the American Free Trade League, asking



that beef and coal be placed on the free list—to the Committee on Ways and Means.

Also, resolutions of the National German-American Alliance, favoring the appointment of an immigration commission—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petitions of the New York Produce Exchange and the National Live Stock Association, favoring certain amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the legislative board of Locomotive Firemen of New York, for the passage of the eight-hour law, the conspiracy and anti-injunction bill, and Senate bill 3560—to the Committee on the Judiciary.

Also, resolutions of Local Union No. 369, Brotherhood of Carpenters and Joiners, of North Tonawanda, N. Y., favoring the repeal of the stone, timber, desert land, and homestead commutation acts—to the Committee on the Public Lands.

By Mr. SHALLENBERGER: Petition of C. F. Linehart and others, of Norman, Nebr., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, papers to accompany House bill 4175, granting an increase of pension to Alpheus D. Brown—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Paper to accompany House bill granting an increase of pension to Henry P. Mesick—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Resolutions of the Ocala (Fla.) Board of Trade, asking for appropriate legislation for the Territory of Alaska—to the Committee on the Territories.

Also, resolutions of Kit Carson Post, No. 26, Grand Army of the Republic, St. Petersburg, Fla., for the establishment of a branch home for disabled soldiers, sailors, and marines in the State of Florida—to the Committee on Military Affairs.

By Mr. SULZER: Resolutions of the New York Board of Trade and Transportation, in relation to the selection of a new post-office site in the city of New York—to the Committee on the Post-Office and Post-Roads.

By Mr. TAWNEY: Resolution of the St. Paul Chamber of Commerce, for the repeal of all import duties on anthracite and bituminous coal—to the Committee on Ways and Means.

By Mr. THAYER: Petition of citizens of Worcester, Mass., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

Also, petitions of retail druggists of Southbridge, Mass., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

Also, petition of B'nai Joseph Lodge, No. 275, Order of B'rith Abraham, of Worcester, Mass., relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. VANDIVER: Papers to accompany House bill granting a pension to Anton Southoff—to the Committee on Invalid Pensions.

By Mr. WEEKS: Petition of J. F. Holden, Joseph Schaubert, and others, of Mount Clemens and vicinity, Michigan, favoring House bill 178—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Petition of E. Musgrave & Co., Raleigh, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

## SENATE.

THURSDAY, January 15, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

A. A. WADE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of A. A. Wade, administrator of S. L. Carpenter, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 325) granting an increase of pension to John Compton;

A bill (H. R. 624) granting a pension to Dorcas McArdle;  
 A bill (H. R. 636) granting an increase of pension to Benjamin S. Bogardus;  
 A bill (H. R. 699) granting an increase of pension to Robert Miller;  
 A bill (H. R. 1328) granting an increase of pension to Gotthard Koerner;  
 A bill (H. R. 1453) granting an increase of pension to Thomas Kirwan;  
 A bill (H. R. 1528) granting an increase of pension to Charles Dalrymple;  
 A bill (H. R. 1530) granting an increase of pension to Eliza A. Rickards;  
 A bill (H. R. 1733) for the relief of John A. Mason;  
 A bill (H. R. 2223) granting an increase of pension to John Laughlin;  
 A bill (H. R. 2224) granting an increase of pension to David T. Nuttle;  
 A bill (H. R. 2542) granting an increase of pension to Lysander D. Trent;  
 A bill (H. R. 2849) granting an increase of pension to Charles S. Ely;  
 A bill (H. R. 3269) granting a pension to Ida M. Kinney;  
 A bill (H. R. 3304) granting an increase of pension to William Burke;  
 A bill (H. R. 3514) granting an increase of pension to Theresia Ziegenfuss;  
 A bill (H. R. 3672) granting a pension to Emily S. Barrett;  
 A bill (H. R. 3755) granting an increase of pension to Lawson Williams;  
 A bill (H. R. 3868) granting an increase of pension to Isadora F. Maxfield;  
 A bill (H. R. 4184) granting an increase of pension to John Glenn;  
 A bill (H. R. 4454) granting an increase of pension to James H. Watts;  
 A bill (H. R. 4509) granting an increase of pension to Eliza Knight;  
 A bill (H. R. 4983) granting an increase of pension to Lucy G. Smith;  
 A bill (H. R. 5159) granting a pension to William A. Miller;  
 A bill (H. R. 5205) granting an increase of pension to Hiram S. Leffingwell;  
 A bill (H. R. 5331) granting a pension to Lillie May Fifield;  
 A bill (H. R. 5369) granting an increase of pension to Benjamin White;  
 A bill (H. R. 5387) granting an increase of pension to Morris M. Comstock;  
 A bill (H. R. 6006) granting an increase of pension to John Canty;  
 A bill (H. R. 6727) granting an increase of pension to Remembrance J. Williams;  
 A bill (H. R. 6897) granting an increase of pension to William G. Buchanan;  
 A bill (H. R. 7021) granting an increase of pension to Henry Forcht;  
 A bill (H. R. 7239) granting an increase of pension to William Christian;  
 A bill (H. R. 8237) granting an increase of pension to John Robinson;  
 A bill (H. R. 8309) granting an increase of pension to Sylvester Holiday;  
 A bill (H. R. 8542) granting an increase of pension to Parmenas F. Harris;  
 A bill (H. R. 8576) granting a pension to John S. Upshaw;  
 A bill (H. R. 8707) granting an increase of pension to James R. Ambrose;  
 A bill (H. R. 9016) granting an increase of pension to Jane Brosnan;  
 A bill (H. R. 9402) granting an increase of pension to Alexander Curd;  
 A bill (H. R. 9977) granting a pension to Minerva Robinson;  
 A bill (H. R. 10010) granting a pension to Mina Weirauch;  
 A bill (H. R. 10339) granting an increase of pension to John L. Moore;  
 A bill (H. R. 10494) granting an increase of pension to Jonathan H. Slocum;  
 A bill (H. R. 11180) granting an increase of pension to Henry W. Gaskill;  
 A bill (H. R. 11212) granting an increase of pension to James D. Sims;  
 A bill (H. R. 11286) granting a pension to Ellen F. Pook;  
 A bill (H. R. 11311) granting an increase of pension to Andrew J. Hertzog;  
 A bill (H. R. 11748) granting an increase of pension to Samuel Ashmore;